

groundwater for 30 years after demonstrating that the groundwater chemistry is restored and stable.

### **EPA Cleared From Suit Over Fla. Water Quality Requirements**

A Florida federal judge on Wednesday tossed a lawsuit accusing the U.S. Environmental Protection Agency of failing to correctly evaluate water quality requirements for Florida's waterways, a decision that came two years after the judge tossed a similar suit from the same environmental group.

### **FWS Released From Lawsuit Over Permit For Lynx Capture**

The U.S. Fish and Wildlife Service was released from a lawsuit Wednesday brought by environmental and animal welfare groups suing it for issuing the state of Maine a permit that allowed the accidental capture of a threatened lynx species, with a federal judge finding that the service had a rational basis to issue the permit.

### **EPA Nominee Ordered To Hand Over Docs To Watchdog**

An Oklahoma judge on Thursday ordered Scott Pruitt, President Donald Trump's nominee to lead the U.S. Environmental Protection Agency, to turn over to a watchdog group nearly 3,000 emails that purportedly reveal his ties to the fossil fuel industry, the group said.

### **Resolution Nixing Alaska Hunting Rule Clears House**

Alaskan hunters could soon have more tools at their disposal again, after the House passed a measure on Thursday aimed at a federal rule limiting hunting practices on federal lands in the state.

### **Trump Inks Revocation Of Stream Protection Rule**

President Donald J. Trump on Thursday signed a bill revoking a U.S. Department of the Interior

Planned Parenthood Federation  
San Antonio Spurs  
Sierra Club  
SoftBank Group Corp.  
Speedway LLC  
Stepan Co.  
The Boeing Company  
Toshiba  
U.S. Chamber of Commerce  
Uber Technologies Inc.  
United Brotherhood of Carpenters  
Wal-Mart Stores Inc.

**GOVERNMENT AGENCIES**  
Army Corps of Engineers  
Bureau of Land Management  
Consumer Financial Protection Bureau  
Department of Commerce  
Equal Employment Opportunity Commission  
European Commission  
Executive Office of the President  
Federal Communications Commission  
Federal Deposit Insurance Corp.  
Fish and Wildlife Service  
Florida Attorney General's Office  
Florida Department of Environmental Protection  
Government Accountability Office  
Idaho Legislature  
Illinois Supreme Court  
Immigration and Customs Enforcement  
International Trade Commission  
NAFTA  
National Labor Relations Board  
National Railroad Passenger Corporation

rule aimed at minimizing coal mining's harm to surface water and groundwater, the second energy-related rule crafted by the Obama administration that's been killed through use of the Congressional Review Act.

## HEALTH & LIFE SCIENCES

### **11th Circ. Strikes Down Fla. 'Gun Gag' Law**

The Eleventh Circuit on Thursday struck down much of a Florida law curbing doctors from asking patients about firearm ownership, ruling that the "gun gag" law violates the First Amendment by impermissibly restricting physician speech.

### **Trump's CMS Pick Says Medicaid 'Doesn't Work Well'**

The Trump administration's likely leader of the Centers for Medicare and Medicaid Services on Thursday sharply criticized Medicaid as rigid and underperforming, signaling that states will get more leeway to overhaul their programs.

### **Fla. High Court Blocks Enforcement Of Abortion Delay Law**

The Florida Supreme Court reinstated a temporary injunction blocking a state law requiring women to wait 24 hours after an initial doctor's visit before obtaining an abortion, ruling Thursday that the abortion rights groups had shown they would likely succeed on the merits.

## TRANSPORTATION & INFRASTRUCTURE

### **Uber Looks To Consolidate 4 Suits By Boston Taxi Cos.**

Uber Technologies Inc. on Thursday asked a Massachusetts federal court to consolidate four cases brought by 265 local taxi companies accusing Uber of operating illegally in Boston and competing unfairly by not complying with local taxi ordinances.

New Jersey Attorney General's Office  
Office of Surface Mining Reclamation and Enforcement  
Port Authority of New York & New Jersey  
Securities and Exchange Commission  
Shoshone-Bannock Tribes  
Small Business Administration  
Social Security Administration  
Standing Rock Sioux Tribe  
U.S. Air Force  
U.S. Army  
U.S. Attorney's Office  
U.S. Consumer Product Safety Commission  
U.S. Department of Agriculture  
U.S. Department of Defense  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Housing and Urban Development  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. Supreme Court  
Washington Attorney General's Office

## **Long-Term Surface Transpo Funding Fix Needed, Says GAO**

The Government Accountability Office said Wednesday that Congress' failure to lock down a sustainable long-term plan to pay for U.S. surface transportation upgrades continues to be a "high-risk" public policy area that lawmakers must tackle.

## **NJ Judge Again Finds Probable Cause In Christie GWB Case**

A New Jersey judge on Thursday again found probable cause in an activist's criminal complaint accusing Gov. Chris Christie of official misconduct over politically motivated lane closures at the George Washington Bridge, sending the matter to prosecutors who have already said they won't pursue charges against the governor.

## **Port Authority OKs \$32.2B Capital Plan For Transpo Projects**

The Port Authority of New York & New Jersey on Thursday signed off on a \$32.2 billion, 10-year capital plan, advancing plans to fund a new bus terminal on Manhattan's west side, the long-awaited third tunnel under the Hudson River, and the ongoing redevelopment of LaGuardia Airport.

## **INSURANCE**

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### **House Lawmakers Seek Clarity On US-EU Insurance Pact**

A U.S. House panel on Thursday pressed for more clarity on a new bilateral agreement between the U.S. and European Union designed to place insurers and reinsurers in the two jurisdictions on equal footing, as regulators and insurance trade groups presented wildly divergent views on the pact.

## **EMPLOYMENT**

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### **Wash. High Court Rebuffs Florist's Same-Sex Objections**

A Washington florist who refused to serve a same-sex wedding, citing religious objections, violated state anti-discrimination laws and is not protected by the First Amendment, the Washington Supreme Court unanimously ruled Thursday.

### **III. Must Keep Paying Workers In Budget Impasse, Judge Says**

State workers in Illinois will continue to get paid through the state's historic budget impasse now that a St. Clair County judge on Thursday denied Attorney General Lisa Madigan's request to halt the paychecks of 63,000 employees until lawmakers and the governor approve a budget.

### **2 Dems Offer Trump Road Map To Revamp NAFTA**

Two House Democrats extended an olive branch to President Donald Trump on Thursday by offering to help him renegotiate the North American Free Trade Agreement, laying out a road map that would increase the deal's labor and environmental rules and do away with its controversial arbitration panels.

### **Trump Picks Former US Attorney Acosta To Lead DOL**

President Donald Trump on Thursday tapped law school dean R. Alexander Acosta — a former U.S. attorney for the Southern District of Florida, one-time National Labor Relations Board member and the first Hispanic to ascend to the top of the U.S. Department of Justice's Civil Rights Division — to serve as secretary of labor.

### **III. Village Asks 7th Circ. To OK 'Right-to-Work' Rule**

The Illinois community whose right-to-work ordinance was struck down by a federal judge last month appealed to the Seventh Circuit this week, arguing that the January decision runs afoul of a Sixth Circuit decision that allowed the

union-weakening statute for counties in Kentucky.

## COMPETITION

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### **Gas Station Chain Sues NJ Over Fuel Price Law**

Gas station chain Speedway LLC has filed a lawsuit alleging New Jersey's law prohibiting below-cost vehicle fuel sales is unconstitutional because it violates the common-law right to sell goods at any price upon which the retailer and purchaser agree

## PRIVACY & CONSUMER PROTECTION

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### **Calif. Judge Calls Law On Actors' Ages A Free Speech Threat**

A California federal judge sided with IMDb.com in a hearing Thursday over a state law forcing the website to remove actors' ages on request, saying the law appeared to violate constitutional free speech protections so clearly that he didn't even need to hear IMDb's arguments for a stay.

### **CFPB Wins Full DC Circ. Review Of Leadership Ruling**

The D.C. Circuit on Thursday granted a request from the Consumer Financial Protection Bureau for a full-panel rehearing of an October decision that ruled the federal consumer finance watchdog's structure unconstitutional.

## PRODUCT LIABILITY

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### **Missouri AG Lays Egg Law Appeal In Supreme Court**

Missouri Attorney General Josh Hawley said Thursday he has appealed to the U.S. Supreme Court to pluck off a California law that prohibits the sale of eggs from chickens living in conditions that don't meet the Golden State's strict regulations.

## GOVERNMENT CONTRACTS

## **F-35 Program Chief Says Costs Set To Drop Further**

Costs of the F-35 fighter jet could soon drop by more than 15 percent, program chief Lt. Gen. Christopher Bogdan told lawmakers Thursday while also confirming that the CEO of Boeing Co. maker of a rival jet, had sat in on a call between President Donald Trump and Bogdan to discuss the program.

## **INTERNATIONAL TRADE**

### **Chinese Cos. Say Commerce Used Wrong Cost Surrogate**

A pair of Chinese chemical companies hit the U.S. Department of Commerce with a U.S. Court of International Trade lawsuit Wednesday, accusing the agency of imposing anti-dumping margins where there'd been none before and using the wrong country as a surrogate for costs.

### **Dems Leverage Trade Policy In Battle Over Trump's Finances**

Democratic lawmakers introduced new legislation Thursday requiring the president to disclose any and all foreign commercial ties before pursuing trade initiatives, tethering the fight over President Donald Trump's finances to one of his signature policy issues.

## **TAX**

### **'Cultural Services' Tax Exemption Up To EU Members: Court**

A European Court of Justice panel dealt a blow to state-recognized "cultural bodies" Wednesday in holding that the British Film Institute isn't automatically entitled to an exemption from the United Kingdom's value added tax on its film screening tickets.

## **MEDICAL MALPRACTICE**

## **Fla. Supreme Court Declines To Adopt Daubert Standard**

The Florida Supreme Court declined Thursday to adopt a measure to bring state court standards for the admissibility of expert witnesses in line with federal courts, over concerns that doing so would undermine the right to a jury trial and inhibit access to the courts.

## **IMMIGRATION**

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### **Senate Bill Will Target Trump's Sanctuary City Order**

A group of senators is taking aim at President Donald Trump's executive action targeting internal immigration enforcement that would pull funds from so-called sanctuary cities, Sen. Catherine Cortez Masto, D-Nev., announced on Thursday.

### **Trump Slams 9th Circ. As Court In 'Chaos,' 'Turmoil'**

President Donald Trump slammed the Ninth Circuit on Thursday as a court in "chaos" and "turmoil," claiming at a news conference that the court has been overturned by the Supreme Court "at a record number," a record that's actually held by the Sixth Circuit, according to a recent Politifact study.

### **Reps. Oppose Extra Layer Of Screening At Canada Border**

Six Northern Border Caucus members have cautioned U.S. Department of Homeland Security Secretary John Kelly against a proposal in President Donald Trump's immigration ban that calls for additional screening for U.S.-bound travelers, saying any new security measures along the Canadian border should be coordinated between the two countries.

## **NATIVE AMERICAN**

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## **Sioux Official, Dakota Access Exec Trade Blows Over Pipeline**

A Standing Rock Sioux Tribe official and an executive for the Energy Transfer Partners unit behind the Dakota Access pipeline gave dueling accounts of the history of the project to a House subcommittee on Wednesday, as the tribe battles a recent federal decision that paves the way for its completion.

## **Idaho Tribes Slam Bill To Shut Down Gambling Machines**

The Shoshone-Bannock Tribes on Wednesday slammed a bill proposed in the Idaho House of Representatives that would ban tribal video-gaming machines in the state, saying the bill would illegally change their deal with Idaho to conduct gambling and likely violate the state constitution.

## **TELECOMMUNICATIONS**

### **Telco Stripped Of Lifeline Eligibility Asks FCC For More Time**

One of the companies stripped by the new Federal Communications Commission of its federal designation to provide Lifeline broadband service for low-income consumers has pushed the FCC to delay the move or risk that thousands of enrolled consumers may not be able to find another provider in time, according a filing made public Thursday.

### **Comcast Lobbies FCC To Revive UHF Ownership Limit Break**

Cable giant Comcast has pressed the Federal Communications Commission to reverse course from an Obama-era move dropping a break for UHF station owners, asking the new FCC to return to a less stringent media ownership restriction, according to a filing Thursday.

## **EXPERT ANALYSIS**

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### **In Retrospect**

## **Relearning The Lessons Of Korematsu's Case**

Fred Korematsu's U.S. Supreme Court case challenging President Franklin Roosevelt's executive order that led to the incarceration of approximately 120,000 people of Japanese ancestry may sound like ancient history. . However, Feb. 19 marks the 75th anniversary of the order's signing; and that it's celebrating its diamond anniversary now is breathtaking timing, says Randy Maniloff of White and Williams LLP.

## **CPSC Civil Penalties: A Statistical Analysis**

In 2015, U.S. Consumer Product Safety Commission Chairman Elliot Kaye announced that he had directed CPSC staff to seek "double-digit" penalties from companies found to be in violation of the Consumer Product Safety Act. Kaye appears to have accomplished his stated goal — a statistical analysis of agency fines shows that companies are being punished more severely than before, says Jonathan Judge of Schiff Hardin LLP..

## **How A General Counsel Should Think About AI: Part 2**

General counsels face the challenging task of understanding how companies can navigate the rules surrounding uses of artificial intelligence. To get smart on AI, general counsels must ask the right questions about areas such as human resources, intellectual property, liability and insurance, say Bruce Heiman and Elana Reman of K&L Gates LLP.

## **LEGAL INDUSTRY**

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### **Gorsuch Nomination Hearings To Kick Off In March**

Opening statements in a hearing on Judge Neil Gorsuch's nomination to the U.S. Supreme Court will begin on March 20, with questioning of the associate justice-designate commencing

the following day, Senate Judiciary Committee Chairman Chuck Grassley said Thursday.

#### Analysis

### **ABA Attorney Ad Rule Revamp Picks Up Steam**

With lines drawn in an emerging debate at the American Bar Association over attorney ad and client solicitation rules, advocates and opponents of a proposed plan to dramatically streamline the model regulations agree that it's now less a question of if changes are coming than what form they will take.

### **Law360's Weekly Verdict: Legal Lions & Lambs**

Jones Day snagged this week's top legal lion spot after the law firm one-upped long-time winner Skadden Arps Slate Meagher & Flom LLP on a list of the most recognized U.S. law firm brands while O'Melveny & Myers LLP's week wasn't as sweet after client Google was hit with a \$20 million verdict in a suit over malware protection patents.

### **Dewey Ex-Finance Head Says Accounting Fix Was Wrong**

The former international finance director at Dewey & LeBoeuf LLP testified in Manhattan criminal court on Thursday that one of two ex-Dewey executives facing a fraud retrial asked her to make accounting entries she thought were improper.

### **NY Needs Fresh Look At Judiciary System, State Bar Says**

The New York State Bar Association believes that heavy caseloads and an excessive number of trial courts create a complex and inefficient judicial system in the state, saying in a report Thursday that these issues should be addressed if voters decide this November to hold a constitutional convention in 2019.

#### **JOBS**

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**From:** Public Policy Law360  
**Sent:** Wednesday, February 22, 2017 5:14 AM  
**To:** Rep93  
**Subject:** New EPA Chief Pledges To Change Regulatory, Legal Practices



PUBLIC POLICY

## EXPLORE WHAT'S INSIDE LEXIS PRACTICE ADVISOR®

Check out the topics we cover, the forms we offer, and where our practical guidance will take you.

Wednesday, February 22, 2017



### TOP NEWS

#### **New EPA Chief Pledges To Change Regulatory, Legal Practices**

U.S. Environmental Protection Agency Administrator Scott Pruitt on Tuesday emphasized his desire to work collaboratively with career EPA staff and his intention to depart from regulatory and litigation tactics he said sideline industry and state interests.

#### **Incoming Deputy AG Brings High-Profile Criminal Experience**

Incoming Deputy Attorney General Rod Rosenstein has spent 90 percent of his career on federal criminal matters including high-profile government misconduct cases, according to materials he provided a Senate panel on Friday.

#### **ABA's Gorsuch Rating Due Out Before Confirmation Hearings**

The American Bar Association will release its laborious evaluation of U.S. Supreme Court nominee Neil Gorsuch before his confirmation

### LAW FIRMS

Arnold & Associates

Baker Botts

Chadbourne & Parke

Clifford Chance

Cooper & Kirk

Dentons

Dinsmore & Shohl

Gibson Dunn

Goldstein & Russell

Goodwin

Haglund Kelley LLP

Herbert Smith Freehills

Hogen Adams

Husch Blackwell

Keller and Heckman

Kennyhertz Perry

Latham & Watkins

Mauck & Baker

Mayer Brown

hearings kick off on March 20, handing senators a powerful factor for evaluating whether to promote the Tenth Circuit judge to the nation's top bench.

### **DHS Releases Guidance On Immigration Executive Orders**

The U.S. Department of Homeland Security issued memos Tuesday implementing two executive orders from President Donald Trump related to immigration, with the agency laying out the administration's expanded enforcement targets, calling for more officers and suggesting new policy is coming on expedited removals.

### **Dems Want Trump To Endorse Currency Manipulation Bill**

A trio of House Democrats have asked President Donald Trump to go beyond executive action and create tariffs against foreign currency manipulators.

#### **Analysis**

### **Top 4 Groups Lobbying The FCC**

As Federal Communications Commission Chairman Ajit Pai approaches one month into his chairmanship, industry stakeholders have begun lobbying the new FCC, advocating on issues such as how to distribute universal service funds and make way for 5G infrastructure. Here, Law360 looks at the top four groups that have filed ex partes in the last month.

### **III. High Court OKs Exception To Untimely Agency Reviews**

The Illinois Supreme Court on Friday ruled that a decision from an administrative agency can be appealed, even if the appeal is late, in instances where the agency violated due process.

### **New Bill Targets Warrantless GPS Tracking, Stingrays**

A bipartisan bill introduced in both houses of Congress on Wednesday would bar the tracking

Morgan Lewis  
Munsch Hardt  
Norton Rose Fulbright  
Perkins Coie

Ropes & Gray  
Shulman Rogers  
Sidley Austin  
Simmons & Simmons  
Squire Patton Boggs  
Stradley Ronon  
Tucker Law Group  
Weil Gotshal  
Weiner Brodsky

**COMPANIES**  
AT&T Inc.  
American Academy of Pediatrics  
American Bar Association  
American Civil Liberties Union  
American Federation of State, County and Municipal Employees  
American Psychological Association  
Apple Inc.  
Caterpillar Inc.  
Center for American Progress  
Center for Biological Diversity Inc.  
Delta Air Lines Inc.  
Dow Chemical Co.  
Facebook  
Florida Immigrant Coalition  
GLC Business Services Inc.  
General Electric Company  
Google Inc.  
Koch Industries Inc.  
Microsoft Corporation  
Murray Energy Corp.  
National Immigration Law Center  
New York Times Co.

of a person using GPS technology without permission or a warrant — particularly law enforcement use of stingray technology that tricks phones into transmitting location information to a third party.

## BANKING & SECURITIES

### **Kan. Stock Promoter Says 10th Circ. Order Blocks SEC Case**

A stock promoter filed a lawsuit in Kansas federal court on Tuesday seeking to halt a U.S. Securities and Exchange Commission administrative proceeding against him, saying the judge overseeing his case has already been deemed to violate the U.S. Constitution by the Tenth Circuit.

## ENERGY & ENVIRONMENTAL

### **Virginia's Uranium Mining Ban Upheld By Fourth Circuit**

The Fourth Circuit on Friday upheld a lower court's dismissal of a uranium company's lawsuit seeking to overturn a Virginia law banning uranium mining, deciding that there is nothing in the federal Atomic Energy Act that preempts the state from establishing such a moratorium.

### **GOP Reps Ask EPA To Extend Mining Rule Comment Period**

A trio of Republican committee chairmen in the House asked the U.S. Environmental Protection Agency on Friday to extend the comment period on a proposed rule that would require participants in the hardrock mining industry to show they can cover the costs of environmental hazards stemming from their operations.

### **Timber Co. Fights Obama Expansion Of Oregon Monument**

A timber company on Friday challenged former President Barack Obama's proclamation that expanded the Cascade-Siskiyou National Monument, arguing in Oregon federal court that

North American Electric Reliability Corp.

PHH Corporation

Planned Parenthood Federation

Raytheon Company

Tax Foundation

Texas Medical Association

Texas Rangers

The Boeing Company

Twitter Inc.

United States Telecom Association

Zeughauser Group LLC

## GOVERNMENT AGENCIES

Bureau of Land Management

Central Intelligence Agency

Consumer Financial Protection Bureau

Department of Commerce

European Commission

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Energy Regulatory Commission

Federal Housing Finance Agency

Federal Reserve System

Federal Trade Commission

Financial Crimes Enforcement Network

Illinois Supreme Court

Immigration and Customs Enforcement

Lac du Flambeau Band of Lake Superior Chippewa Indians

National Aeronautics and Space Administration

National Labor Relations Board

the protectionist move conflicted with a congressional decision mandating that some of the land be used for logging.

### **EPA Can't Second-Guess Texas Ozone Plan, 5th Circ. Told**

The U.S. Environmental Protection Agency wrongly rejected Texas' plans to address cross-state emissions in meeting 2008 national ozone standards and trampled over the Lone Star State's authority under the Clean Air Act in imposing a federal substitute, Texas officials told the Fifth Circuit on Friday.

### **EU Nearing Decision On Extending China Solar Panel Duties**

The European Commission is close to drawing its final conclusion regarding extended duties on Chinese solar panels, a commission representative told Law360 on Tuesday.

### **Enviro Say USFS Ignored Logging Project's Owl Impacts**

Environmentalists have asked a California federal judge to stop a U.S. Forest Service-approved logging operation they say harms critical California spotted owl habitat in the state's Tahoe National Forest.

### **EPA Urges 4th Circ. To Undo Coal Jobs Analysis Order**

The U.S. Environmental Protection Agency on Tuesday asked the Fourth Circuit to overturn a federal judge's decision that compels the agency to evaluate the consequences of its air pollution regulations on jobs, arguing there was no Clean Air Act violation that warranted such a remedy.

## **HEALTH & LIFE SCIENCES**

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### **Texas Justices Let Challenge Of Chiropractic Rules Proceed**

A Texas appellate court on Friday gave the Texas Association of Acupuncture and Oriental Medicine another shot at challenging the validity

National Security Agency  
Nuclear Regulatory Commission  
Office of the Comptroller of the Currency  
Securities and Exchange Commission  
Texas Health and Human Services Commission  
Texas Legislature  
U.S. Air Force  
U.S. Customs and Border Protection  
U.S. Department of Agriculture  
U.S. Department of Defense  
U.S. Department of Energy  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of State  
U.S. Department of Transportation  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. Forest Service  
U.S. General Services Administration  
U.S. Senate  
U.S. Supreme Court

of two provisions in the Texas Board of Chiropractic Examiners administrative rules that it believes are invalid because they allow chiropractors to practice acupuncture.

### **HealthCare.gov Deletions 'Trumpcare By Sabotage,' Dems Say**

Leading Democrats from the U.S. Senate committees on Health, Education, Labor and Pensions and Finance on Friday demanded answers from the U.S. Department of Health and Human Services' newly confirmed secretary about why a breakdown of the Affordable Care Act's benefits was removed from HealthCare.gov.

## **MEDIA & ENTERTAINMENT**

### **Philly Controller Escapes 'Slush Fund' Slander Suit**

A Pennsylvania state court judge on Tuesday threw out a lawsuit accusing Philadelphia's city controller of defaming a former city official with remarks about a so-called slush fund in which money primarily from the Philadelphia Marathon was used to pay for pet projects of former Mayor Michael Nutter.

## **INSURANCE**

### **III. Gay Conversion Therapy Ban Exempts Pastors, Judge Says**

A coalition of Illinois pastors is claiming victory in its suit over a state law banning conversion therapy for gay youth, saying even though a federal judge tossed the suit on Wednesday, the ruling more or less amounts to what they'd sought in the first place: an order declaring pastors exempt from the law.

## **EMPLOYMENT**

### **August NLRB Order Restored Discipline Analysis, GC Says**

The National Labor Relations Board general counsel's office has penned an advice memo

clarifying the precedent set by an August board decision, saying that businesses must bargain with unions over certain types of serious discipline between the time a bargaining unit is certified and a bargaining agreement is signed.

### **Iowa Union Sues To Block Collective Bargaining Law**

A union representing public sector employees in Iowa filed suit Monday challenging the state's sweeping new law curtailing collective bargaining rights for most public workers, calling it a "draconian" measure that would make it harder for state workers to receive or maintain union representation.

## **PRIVACY & CONSUMER PROTECTION**

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### **EU Regulators Lay Out Plan For Tackling Privacy Shield Rows**

Europe's data protection regulators on Monday rolled out a plan for addressing consumer complaints that arise under the new Privacy Shield pact that allows multinationals to transfer data between the EU and U.S., saying at least three authorities would be charged with weighing in on disputes within 60 days.

### **Mortgage Servicer Rips Efforts To Intervene In CFPB Review**

A mortgage servicer that convinced a D.C. Circuit panel that the Consumer Financial Protection Bureau's structure is unconstitutional asked the full court on Friday to reject a bid by advocacy groups, state attorneys general and members of Congress to let them fight the suit if President Donald Trump's Justice Department stops defending against it.

### **Trump Taps Lt. Gen. McMaster As National Security Adviser**

President Donald Trump announced Monday that he has selected Army Lt. Gen. H.R. McMaster as national security adviser, a post that was left empty after Michael Flynn resigned

amid fallout from his dealings with Russian officials.

## GOVERNMENT CONTRACTS

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### **Air Force Leaders Urge Congress To Pass Spending Bill**

The U.S. Air Force's top civilian and military leaders urged Congress on Monday to pass a defense appropriations bill before the end of fiscal year 2017, saying the use of another continuing resolution through to the end of the year would significantly hurt operational readiness and limit needed improvements.

### **Texas Barred From Cutting Planned Parenthood Funding**

A federal judge on Tuesday barred the state of Texas from pulling Medicaid funds from Planned Parenthood-affiliated clinics, saying the secretly recorded videos the Lone Star State held up as evidence that the clinics were profiting from selling aborted fetal tissue did not actually support the state's claims.

### **GSA Watchdog Criticizes Tech Unit's IT Security Compliance**

A U.S. General Services Administration watchdog on Tuesday criticized the GSA's "startup" unit aimed at improving federal technology, 18F, saying it routinely ignored GSA security requirements for both the procurement and operation of information technology systems.

## TAX

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### **CEOs Mobilize To Back Border Adjustment Tax**

Chief executives from 16 companies wrote congressional leaders Tuesday in praise of a GOP proposal to dramatically change the U.S. corporate tax code, urging the lawmakers to act boldly in rewriting it.

## IMMIGRATION

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## **Senator Questions Border Electronics Searches**

A U.S. senator on Monday questioned the government's authority to collect information from people detained at U.S. borders in response to media reports that U.S. Customs and Border Protection officers may be asking for cell phone passcodes and social media handles.

## **Calif. Judge Lets Halt On Travel Ban For Visa Holders Lapse**

A California federal judge on Tuesday declined to extend a temporary restraining order blocking parts of President Donald Trump's immigration ban, saying the TRO's goals had been met and new relief sought by Yemeni immigrants in an amended suit would allow those without visas to "cut in line."

## **Miami-Dade Nixes Protections For Undocumented Immigrants**

The Miami-Dade Commission on Friday voted to uphold an order by the county's mayor eliminating protections from U.S. Customs and Immigration Enforcement detainer requests for undocumented immigrants, despite hundreds of people showing up to express their concern and disapproval.

## **NATIVE AMERICAN**

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### **Ex-Tribal Employees' Gender Bias Claims Tossed**

A Wisconsin federal judge on Tuesday tossed suits alleging gender bias and retaliation from two former employees of the Lac du Flambeau Band of Lake Superior Chippewa Indians, ruling that they failed to state a claim and the tribe had sovereign immunity against the suits.

## **TELECOMMUNICATIONS**

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### **FCC Was Right To Drop Set-Top Box Plan, Legislator Says**

Rep. Yvette D. Clarke, D-N.Y., has praised a move by the new Federal Communications Commission head to pull back on an Obama-era plan to open up competition in the set-top box market.

### **AT&T Urges FCC To Nix 'Cadillac' Broadband Expansion Goals**

The Federal Communications Commission should seek to fund broadband expansion in as many geographic areas as possible rather than prioritizing high speeds, AT&T said Tuesday, or else consumers in harder-to-reach areas will get left behind.

### **Group Blasts Industry Move Against FCC Transparency Rules**

Broadband providers are inappropriately seeking to evade stepped-up transparency rules under an exemption meant for small providers, an open internet advocacy organization warned the Federal Communications Commission in a filing made public Friday, saying that their request for broad relief for all providers would effectively kill the rules.

## **EXPERT ANALYSIS**

### **2-For-1 Executive Order Leaves OMB To Work Out Details**

While President Donald Trump's recent executive order reducing regulations may seem appealing in its simplicity, the White House has provided agencies with little guidance on its implementation, instructing them to call the Office of Management and Budget with questions. Yet the OMB's ability to provide answers will be impaired by a lack of clear legal standards, say Laurence Platt and Joy Tsai of Mayer Brown LLP.

### **A Look At DOJ's New Guidance On Compliance Programs**

New guidance from the U.S. Department of Justice's Fraud Section puts chief compliance

officers on notice about how the adequacy of their companies' compliance programs is evaluated by prosecutors, say attorneys with Morgan Lewis & Bockius LLP.

### **How The GDPR Will Impact Life Sciences And Health Care**

The European Union's General Data Protection Regulation will considerably increase the sanctions and penalties that can be imposed on organizations that breach its requirements. The implications for organizations operating in the life sciences and health care sectors are likely to be particularly far-reaching, say attorneys with Ropes & Gray LLP.

### **Legal Pot Industry Bugged By Lack Of Pesticide Guidance**

Marijuana cultivation suffers from the same pest and disease pressure as any large commercial greenhouse operation. However, the circumstance unique to this setting is that any use of a pesticide in the cultivation of marijuana is a violation of federal law, says Telisport Putsavage of Putsavage PLLC.

### **The Quadrennial Energy Review And Grid Security**

The most recent installment of the U.S. Department of Energy's Quadrennial Energy Review includes a number of recommendations for physical and cybersecurity protection of the nation's power infrastructure. Although the report recommends developing and implementing "necessary" security measures, it provides limited details in some areas, and does not identify revenue sources for some initiatives, say attorneys from Husch Blackwell LLP.

## **LEGAL INDUSTRY**

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### **Norton Rose Fulbright Inks Deal With Chadbourne**

Norton Rose Fulbright and New York-based Chadbourne & Parke LLP will merge in the

second quarter of this year, the firms announced Tuesday.

### **BigLaw Cost Pressures Fueling Middle East Exits**

At least eight BigLaw outposts in the Middle East have been shuttered since 2015, a trend experts say is simply one symptom of the global push by law firms to make ends meet as demand falters and the costs of doing business continue to rise.

### **Sidley-Authored Report On 9/11-Era Torture Defamatory: Suit**

A group of psychologists accused a Sidley Austin LLP attorney of crafting a report for the American Psychological Association that unfairly laid the blame on them for interrogation tactics used by the U.S. military after the 9/11 attacks, saying in an Ohio suit that he ignored evidence and bolstered a story by the doctors' critics.

### **US Law Firm Expansion Follows The Money, Report Says**

Law firms tend to enter regions experiencing rapid growth in emerging corporate sectors by attempting to lure away key partners from other firms, while the days of large regional firms catering to businesses in specific geographic areas are gone, a recent paper said.

### **Munsch Hardt Co-Founder Dies In Australian Plane Crash**

Munsch Hardt Kopf & Harr PC on Tuesday confirmed that one of its founding partners, noted bankruptcy and banking attorney Russell Munsch, was among those killed in a fatal plane crash in Melbourne, Australia, on Monday.

#### **JOBS**

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**From:** Ohio Arts Council  
**Sent:** Thursday, February 23, 2017 1:04 PM  
**To:** Rep93  
**Subject:** February Arts Advocacy, Deadlines, & Webinars

Keep an eye on upcoming grant deadlines, past webinars now available online, and an important message on advocacy.

[View this email in your browser](#)

Share your story with #ArtsOhio



## VALUE OF THE ARTS & IMPORTANCE OF ADVOCACY

It's that time of year when we begin to plan for National Arts Advocacy Day on March 20-21 in Washington, DC. It's always important to tell our stories of the economic, educational, and cultural value of the arts, but with a new president and Congress in place, it's especially critical that we communicate the value of federal funding for arts and culture through the National Endowment for the Arts (NEA) – and its direct impact on Ohio's arts and cultural communities.

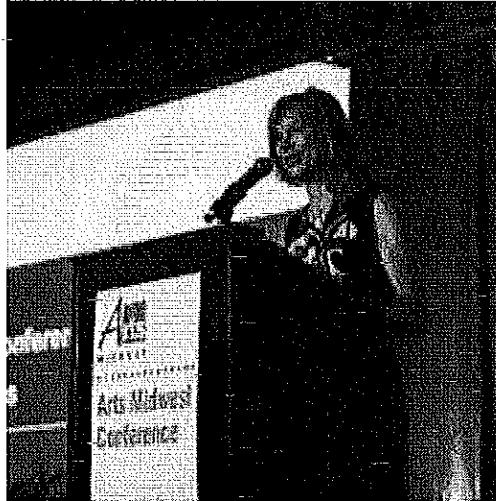


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**OHIO POETRY OUT LOUD  
EXPANDS REGIONALLY**

Semifinals are underway in six regions of the state! Meet the *POL* partners near your community and wish the students good luck before the State Finals on March 4.



**MARCH 28 WEBINAR WITH  
ARTS MIDWEST**

Join us to discover funding and learning opportunities with Arts Midwest, including the Arts Midwest Booking and Education Conference and the Arts Midwest Touring Fund.

**MEET OUR PARTNERS**

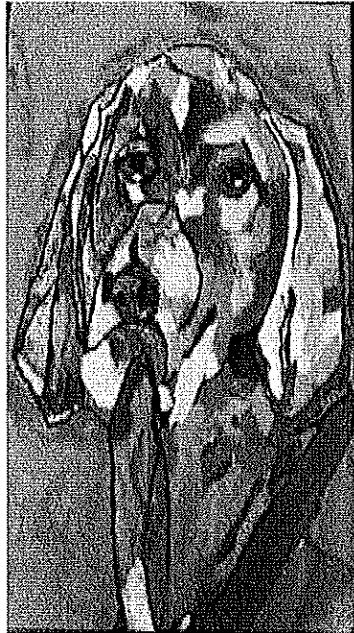
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#### **WATCH WEBINARS ONLINE | OHIO ARTS COUNCIL YOUTUBE**

The OAC YouTube channel is going through an update to be your one-stop-shop for webinar resources. Miss last month's grants webinar? Want to review accessibility tips? We've got you covered. View complete sessions online, on your own time (and don't forget to subscribe!)

**SUBSCRIBE NOW**



## SPOTLIGHT: FEATURED ARTISTS AT THE OHIO GOVERNOR'S RESIDENCE

This season's Spotlight exhibition with Ohio First Lady Karen W. Kasich features artwork that inspires and thrives through the creativity of artists with disabilities. In a collaboration with VSA Ohio, the artwork of 17 artists from seven organizations across the state will be on display at the Governor's Residence until May 2017. Visit [oac.ohio.gov/spotlight](http://oac.ohio.gov/spotlight) to view the complete brochure.

### MARCH 1

- Arts Access | General Operating Support for Small Organizations
- ArtsNEXT | Funding for Bold, Groundbreaking Projects

### APRIL 3

- ArtSTART | General Project Support for Organizations
- Reminder for Sustainability Grantees: Year 3 Updates Due

**CONTACTS:** Brianna Dance, Organizational Programs Coordinator, [brianna.dance@oac.ohio.gov](mailto:brianna.dance@oac.ohio.gov); and Jim Szekacs, Organizational Programs Coordinator, [jim.szekacs@oac.ohio.gov](mailto:jim.szekacs@oac.ohio.gov)

## **MARCH 1**

- Arts Partnership | Support for Arts Education Projects

**CONTACT:** Chiquita Mullins Lee, Arts Learning Coordinator, [chiquita.mullinslee@oac.ohio.gov](mailto:chiquita.mullinslee@oac.ohio.gov)

## **MARCH 15**

- Traditional Arts Apprenticeship | Preserving Cultural Heritage through Collaboration
- Heritage Fellowships | Recognizing Ohio Folk and Traditional Artists

**CONTACT:** Kathy Signorino, Individual Artist Coordinator, [kathy.signorino@oac.ohio.gov](mailto:kathy.signorino@oac.ohio.gov)

### **Mark Your Calendar**

March 4: Ohio Poetry Out Loud State Finals at the McConnell Arts Center in Worthington  
March 20-21: National Arts Advocacy Day in Washington D.C.

April 5: OAC Spring Board Meeting

April 24: Poetry Out Loud National Finals in Washington D.C.

May 17: Celebrate Arts Day & Governor's Awards for the Arts in Ohio in downtown Columbus

### **Happening in the OAC Riffe Gallery**

Drop-in during lunch for **FREE** workshops with Melissa Vogely-Woods during the *Come Along With Me* exhibition. All levels welcome!

---

March 8: Poetic text and collage

March 15: Folded book making

March 22: Interactive mail art

March 29: Personal narrative tree project

April 5: Stitched book binding workshop

April 12: Narrative-based collage project

## PROFESSIONAL DEVELOPMENT OPPORTUNITY | CAMA Digital Marketing

### Bootcamp

Wednesday, March 22, 10 a.m. - 3 p.m. at the Columbus Metropolitan Library (Parsons Branch)

Ceci Dadisman (digital marketer, speaker, nonprofit empowerer) will lead this hands-on, activity-driven session. It will equip you with strategies and methodology on how to best utilize digital marketing and social media for your organization. We'll delve into digital marketing for arts organizations and create a well-rounded and achievable plan for success. You'll learn what platforms have the highest return, how to use them, and how to track the results.

REGISTER ON EVENTBRITE BY MARCH 15 | \$50 Non-CAMA Member Price or \$25 Member Price

*Image credits: 1) Ohio POL Partner, Emily Prince, at Stuart's Opera House in Nelsonville; 2) 2015 Arts Midwest Conference in Kansas City, Missouri, photo by Tiffany Rodgers; 3) Carl Loftin, Wimaraner, Acrylic, Summit Developmental Disabilities.*



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You are receiving the monthly ArtsOhio newsletter because you signed up on the Ohio Arts Council website, through social media, or in-person at the Ohio Arts Council's Riffe Gallery.

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30 East Broad Street, 33rd Floor  
Columbus, OH 43215-3414

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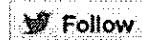
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**From:** Public Policy Law360  
**Sent:** Friday, February 24, 2017 4:54 AM  
**To:** Rep93  
**Subject:** High Court Confirmation 'Not The Way It Should Be': Ginsburg



Friday, February 24, 2017



## TOP NEWS

### **High Court Confirmation 'Not The Way It Should Be': Ginsburg**

The current U.S. Supreme Court confirmation process has grown too partisan, Justice Ruth Bader Ginsburg said Thursday, as the Senate is gearing up for a fight over President Donald Trump's pick for the high court, Tenth Circuit Judge Neil Gorsuch.

### **BigLaw Partners Uneasy About Trump Judiciary Comments**

Members of the legal community including partners at several BigLaw firms on Thursday expressed concern over statements made by President Donald Trump toward federal judges and courts in the aftermath of an order temporarily blocking his immigration ban from seven Muslim-majority countries, saying the remarks could have "grave consequences."

### **Law Profs Hit Kellyanne Conway With Misconduct Complaint**

A group of law professors and ethics experts this week filed a misconduct complaint against President Trump adviser Kellyanne Conway, arguing that a series of false statements she made in TV interviews "brings shame" to the profession.

## Analysis

## LAW FIRMS

Arnold & Porter Kaye Scholer  
Baker Botts  
Bancroft PLLC  
Berger & Montague  
Bradley  
Chadbourne & Parke  
Cooley  
Cozen O'Connor  
Crowell & Moring  
Davis Wright Tremaine  
Edelson PC  
Eric M. Bernstein  
Finger & Slanina  
Ford & Harrison  
Greenberg Traurig  
Gunster  
Gutride Safier  
Harkins Cunningham  
Harman Clayton  
Holland & Hart  
Holland & Knight  
Hunton & Williams  
Jackson Lewis  
Jenner & Block  
Johnson & Bell

## **GOP Faces Pitched Battle As It Looks To Revise ESA**

Having seized control of the presidency and both houses of Congress, Republicans are seeking to amend the Endangered Species Act after years of complaints that it stymies development and limits land use. But lawmakers should take note of previous failed attempts to alter the law, as supporters will fiercely fight any changes they see as weakening it, experts say.

### **Analysis**

#### **Trump's Trans Bathroom Access U-Turn May Not Slow EEOC**

Although the Trump administration made waves in rescinding an Obama-era directive that transgender public school students be allowed to use the bathroom of their choice, experts say employers shouldn't assume the U.S. Equal Employment Opportunity Commission will take its foot off the enforcement throttle when it comes to transgender rights in the workplace.

#### **Sessions Ditches Obama Policy Curtailing Private Prison Use**

Attorney General Jeff Sessions has reversed a U.S. Department of Justice memo from the Obama administration aimed at curtailing use of private prisons by the federal government, according to a memo sent to the federal Bureau of Prisons on Thursday.

### **Analysis**

#### **Tax Reform Possible Despite Border Adjustment Opposition**

Despite growing opposition from retailers and within the GOP's own ranks to a tax reform blueprint that would disallow deductions for import costs, experts are hopeful that a compromise going beyond mere tax cuts is possible.

#### **Ginsburg Bemoans Loss Of Core Values At Book Launch**

Joseph Greenwald

K&L Gates

Kane Russell

Kessler Topaz

Kutak Rock

Littler Mendelson

Lum Drasco

McGuireWoods

Morrison & Foerster

Munger Tolles

Norton Rose Fulbright

Perkins Coie

Schirrmeister Diaz-Arrastia

Seyfarth Shaw

Shook Hardy

Sidley Austin

Squire Patton Boggs

Sullivan & Worcester

Surovell Isaacs

Williams Montgomery

Winthrop & Weinstine

### **COMPANIES**

AXA SA

American Bar Association

American Civil Liberties Union

American Federation of Labor and Congress of Industrial Organizations

American Federation of State, County and Municipal Employees

Apple Inc.

BTI Consulting Group Inc.

Black Elk Energy LLC

Citizens for Responsibility and Ethics in Washington

Clearing House Payments Co. LLC

Comcast Corporation

America is not going through the best of times, according to Associate Justice Ruth Bader Ginsburg, who said Thursday that the country has started to drift away from some of its core ideals.

#### Analysis

### Fracking Quakes Could Shake Regulatory Ground In Pa.

The first-of-its-kind link that Pennsylvania environmental regulators recently drew between hydraulic fracturing and a string of minor seismic events detected nearly a year ago could be the first step toward increased monitoring requirements and permitting conditions for drillers.

### GOP Lawmaker Wants Flynn To Testify Before Senate Panel

Sen. Susan Collins, R-Maine, said Wednesday that former national security adviser Michael Flynn should testify before the Senate Intelligence Committee, which is investigating alleged Russian interference in the U.S. presidential election.

### BANKING & SECURITIES

### Canadian Securities Watchdog Launches Regulatory Sandbox

Canadian securities regulators on Thursday launched a so-called regulatory sandbox, allowing companies that use innovative technologies and capital-raising techniques to experiment under fewer regulations, spreading an idea that has gained momentum across Europe and Asia.

### Robo-Advisers Must Be Mindful Of Advisers Act, SEC Says

The U.S. Securities and Exchange Commission on Thursday said that "robo-advisers" should be mindful of how the Investment Advisers Act applies to them and their relationship with

Corrections Corporation of America  
Facebook  
Fannie Mae  
Federalist Society  
First NBC Bank Holding Co.  
Freddie Mac  
Geo Group, Inc.  
Goldman Sachs Group Inc.  
Hilcorp Energy Co.  
HuffingtonPost.com LLC  
International Bar Association  
Koch Industries Inc.  
Life Technologies Corporation  
Mercedes-Benz  
MetLife Inc.  
Mexican American Legal Defense and Education Fund  
NBCUniversal Inc.  
National Immigration Law Center  
National Public Radio Inc.  
New York Times Co.  
Nokia Corporation  
Novartis AG  
Promega Corp.  
Public Knowledge  
QUALCOMM Incorporated  
Royal Dutch Shell PLC  
Sierra Club  
Sprint Nextel Corporation  
Trump Organization Inc.  
Universal Health Services Inc.  
Wal-Mart Stores Inc.  
Wells Fargo & Co.

**GOVERNMENT AGENCIES**  
Bureau of Safety and Environmental Enforcement  
Centers for Medicare & Medicaid Services

clients since their services are unique from traditional investment advisers.

## ENERGY & ENVIRONMENTAL

### **Sierra Club To Sue EPA For Renewable Fuel Report Absence**

The Sierra Club issued a notice of intent to sue the U.S. Environmental Protection Agency on Thursday, saying it had ignored its obligations to analyze the Renewable Fuel Standard by failing to publish an evaluation on air quality or communicate with Congress.

### **ND, Energy Cos. Ask 8th Circ. To OK \$1.3M Fee In Minn. Row**

North Dakota and a coalition of energy companies told the Eighth Circuit on Wednesday that they should receive \$1.3 million in attorneys' fees and costs awarded by a lower court for prevailing in the appeal of a decision invalidating Minnesota's restrictions on out-of-state coal-fired power plants, arguing the figure was justified and mentioning that the other side was sanctioned.

### **Wood Group To Pay \$9.5M In False Reporting, Explosion Plea**

Wood Group PSN Inc. will pay \$9.5 million over allegations of falsely reporting safety inspections and violating the Clean Water Act in connection with the November 2012 explosion at the West Delta 32 offshore facility in the Gulf of Mexico, federal prosecutors said Thursday.

## HEALTH & LIFE SCIENCES

### **Feds To Allow Pre-ACA Policies Through 2018**

Federal regulators on Thursday once again granted extra time for consumers to renew health insurance that doesn't fully comply with Affordable Care Act standards, saying the older coverage can run through 2018.

## MEDIA & ENTERTAINMENT

Commodity Futures Trading Commission

Congressional Budget Office  
Consumer Financial Protection Bureau

Defense Intelligence Agency  
Equal Employment Opportunity Commission  
European Commission  
Executive Office of the President  
Federal Acquisition Regulatory Council

Federal Communications Commission  
Federal Deposit Insurance Corp.  
Federal Energy Regulatory Commission  
Federal Housing Finance Agency  
Federal Reserve System  
Federal Trade Commission  
Financial Conduct Authority  
Financial Stability Oversight Council

Fish and Wildlife Service  
Florida State Senate  
Government Accountability Office  
Internal Revenue Service  
National Credit Union Administration  
National Labor Relations Board  
National Marine Fisheries Service  
North Carolina Wildlife Resources Commission

Office of the Comptroller of the Currency  
Office of the Federal Register  
Oklahoma Corporation Commission  
Oregon Department of Justice  
Securities and Exchange Commission

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## **Fla. Senate Readies Gaming Bill, But House Has Other Ideas**

The Florida Senate Appropriations Committee's passage of a comprehensive gaming bill to the Senate floor on Thursday raised the prospects for long-sought resolutions to multiple industry issues, but those odds looked longer as a House panel backed a proposal that hews to the status quo and rejects expansion:

## **Oregon Moves Forward On Bill To Revamp Sports Agent Law**

Oregon lawmakers are pushing forward with what could be a first-of-its-kind bill that would significantly expand the definition of who is considered an athlete agent beyond those who negotiate contracts and provide college student-athletes with a specific civil remedy for agent misconduct.

## **EMPLOYMENT**

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### **NJ Doesn't Have To Pay For Ex-Election Official's Defense**

A New Jersey state appeals court on Thursday found that the state does not have to cover the defense costs of a former county superintendent of elections in a lawsuit alleging retaliation against three workers because the litigation involves supervising employees and not enforcing election laws.

### **Former Asst. Atty Wants Firing Suit Reheard By 4th Circ.**

A former Fairfax County, Virginia, assistant attorney asked the Fourth Circuit Wednesday for a rehearing of its decision upholding a district court's ruling that she could be fired after being elected to the city council, saying the case presents important issues concerning public employees' First Amendment rights.

### **III. State Worker Union Members Approve Strike If Needed**

Seminole Tribe of Florida  
Texas Department of Public Safety  
U.S. Department of Defense  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. General Services Administration  
U.S. Supreme Court

Illinois' largest public employee union on Thursday announced that its voting members overwhelmingly authorized a strike, should the bargaining committee of AFSCME Council 31 decide to call one in its months-long struggle with Gov. Bruce Rauner over a new contract.

## PRIVACY & CONSUMER PROTECTION

### **Trans Student Presses Bathroom Fight Despite Trump Letter**

Transgender student Gavin Grimm pressed on with his challenge of a policy barring him from using the boys' bathroom at his high school on Thursday, telling the U.S. Supreme Court that the Gloucester County School Board rule violates the plain text of Title IX, a day after the Trump administration rescinded Obama-era guidance on trans rights in schools.

### **Arkansas Supreme Court Strikes City's LGBT Protections**

The Supreme Court of Arkansas on Thursday struck down a city ordinance that banned discrimination based on sexual orientation or gender identity, but refused to address whether the state's law stripping local governments of the ability to protect LGBT rights is constitutional.

## INTERNATIONAL TRADE

### **FTC Chair To Take On Job Licensing With New Task Force**

The new acting chairwoman of the Federal Trade Commission launched a task force Thursday to tackle state and local licensing requirements that have proliferated in recent years for everyone from hairdressers and makeup artists to interior designers, a new initiative designed to pare down on "dubious" and "ridiculous" requirements threatening economic growth.

## TAX

## **Mnuchin Shares GOP's Optimistic Timeline For Tax Reform**

Treasury Secretary Steven Mnuchin exhibited the same ambition as House Republicans Thursday when he expressed a commitment to seeing growth-enhancing tax reform, with an emphasis on cuts for the middle class and business, before Congress leaves for its August recess.

## **IRS Asked To Create Form To Help Shareholder Compliance**

An accounting trade group has urged the IRS to create a new income tax form that would compute a shareholder's basis in the stock and debt of a pass-through corporation, saying that in the past, taxpayers have misreported over \$10 million in losses due to a lack of basis.

## **IMMIGRATION**

### **Oregon Seeks To Join Wash. Challenge To Trump Travel Ban**

Oregon wants in on the lawsuit filed by the state of Washington that challenges President Donald Trump's executive order and its travel ban for certain foreign-born individuals, arguing Wednesday that it seeks to ensure that any relief that arises from the case protects the state and its residents.

### **Groups Aim To Block Trump From Slashing Refugee Numbers**

The International Refugee Assistance Project and others asked a Maryland court Wednesday to stop the government from enforcing part of the travel ban executive order that slashed refugee admission numbers, saying the law doesn't allow a president to force a midyear cutback in refugees.

### **5th Circ. Reinstates Texas Anti-Immigrant Harboring Law**

The Fifth Circuit on Thursday reinstated a Texas law that makes it a felony to harbor unauthorized immigrants, lifting an injunction

that had blocked the 2015 law from taking full effect, in a ruling praised by both the state and immigrant advocates.

## TELECOMMUNICATIONS

### **FCC Approves 1st Foreign Co. Broadcast Station Ownership**

The Federal Communications Commission for the first time ever has allowed a fully foreign-owned company to take ownership of 15 U.S. radio broadcast stations, in a decision on Thursday that approved a petition to let an Australian couple take on several stations in Alaska and Texas.

### **FCC Grants Small-Business Relief From Transparency Rules**

The Federal Communications Commission's Republican majority voted Thursday to exempt broadband providers with 250,000 or fewer subscribers from stepped-up transparency rules in the 2015 Open Internet Order as the lone Democratic commissioner objected amid questions of how the GOP will deal with broader net neutrality rules.

### **FCC Pushed To Ensure Stricter Political Ad Disclosure**

In a letter to the Federal Communications Commission on Wednesday, a group of 10 Democratic Congress members encouraged the agency to adopt even stricter disclosure rules for TV stations that run political advertisements.

### **Public Interest Groups Urge FCC Not To Undermine Lifeline**

The NAACP, AFL-CIO and Public Knowledge are among a range of public interest organizations that on Thursday pressed the Federal Communications Commission to reverse course on stripping nine Lifeline low-income broadband providers of eligibility to provide service or risk undercutting the goal of connecting the poor.

## EXPERT ANALYSIS

### **Tax Implications Of The Affordable Care Act Repeal**

Because the Affordable Care Act was upheld by the U.S. Supreme Court as a tax law, its repeal would entail a \$1.1 trillion tax revenue loss over 10 years. Based on the direction that the Republicans take in crafting their replacement bill and what portions of the ACA will be repealed, individuals and corporations could be looking at drastic tax changes, say Michael White and Eddie Geraghty of M. White & Associates LLC.

### **Financial Services In The 1st Month Of Trump Presidency**

In the first 30 days of his administration, President Donald Trump issued more than two dozen executive orders, memoranda and proclamations, several of which significantly impact the financial services industry. In addition, policymakers are turning their time and attention to reforming the nation's financial services laws, with a "Choice Act 2.0" likely to be introduced soon, say Matthew Cutts and James Sivon of Squire Patton Boggs LLP.

### **Challenging Emoluments Clause Violations As A Conspiracy**

I'm not confident that trying to hold the Trump Organization liable for President Donald Trump's own constitutional violations will work. But there might be other legal theories under which a state attorney general could argue that Trump-owned companies act unlawfully when they receive emoluments. Consider a core white collar criminal statute — conspiracy to defraud the U.S., says Randall Eliason, a former federal prosecutor.

### **Inside New FAR Rule On Untimely Payment To Subcontractors**

New changes to the Federal Acquisition Regulation impose mandatory reporting requirements on federal prime contractors who

fail to make full and timely payments to their small business subcontractors. Although little more than a month old, this rule already has been the source of considerable confusion, say Aron Beezley and Emily Unnasch of Bradley Arant Boult Cummings LLP.

### **The Uncertain Future Of PURPA, A Key To Renewable Energy**

The Public Utility Regulatory Policies Act was enacted in 1978 to encourage development of alternative energy resources. But PURPA's opponents want to see it amended or repealed. With the law's supporters staying relatively quiet, calls for reform may gain traction with the new Congress and the Trump administration, say attorneys from Crowell & Moring LLP.

## **LEGAL INDUSTRY**

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### **Analysis**

#### **5 Rules For RFPs From The People Who Read Them**

With the use of RFPs by legal departments at an all-time high, it's crucial that law firms learn how to stand out from the pack and avoid ruffling the feathers of the procurement and legal operations professionals who review the submissions. Here's how they say law firms can make the most of an RFP.

#### **Holland & Knight Protests DQ Bid To Judge's 'Dismay'**

A New York federal judge scolded Holland & Knight LLP for a letter it submitted in a case pitting First NBC Bank against ethanol distributor Murex LLC, saying the unsolicited filing contesting a bid to disqualify the firm did not reflect well on it and that its attorneys had "abused the court's courtesy."

#### **Law360's Weekly Verdict: Legal Lions & Lambs**

Sidley Austin rose to the top of this week's legal lions list with a win at the U.S. Supreme Court that limits the law's reach on overseas patent

infringement, while K&L Gates met with a less favorable fate when the justices revived a False Claims Act case against its client, Wells Fargo.

### **Del. Judicial Political Balance Mandate Unfair, Atty Says**

A Delaware attorney is challenging a portion of the state's constitution requiring a balance of representation from "major" political parties in state judicial positions, saying in a lawsuit filed in Delaware federal court that the process is unconstitutional and unfairly excludes members of nonmajority parties and independents.

### **III. Law Firm Ex-Clients Can't Arbitrate Privacy Row As Class**

A pair of former clients of Illinois law firm Johnson & Bell Ltd. can't arbitrate their claim the firm put their confidential data at risk on behalf of a putative class of Johnson & Bell clients, an Illinois federal judge said Wednesday.

### **Trial Consultants Q&A: DOAR's Roy Futterman**

You can see an attorney have a sudden realization that we move from trial to trial, that we work on many cases in a year and spend weeks in courtrooms. When attorneys realize all of this, they often move us from the kiddie table to the big boy table. Then we pick up a turkey leg and get to work, says Roy Futterman, director at DOAR Inc.

#### **JOBS**

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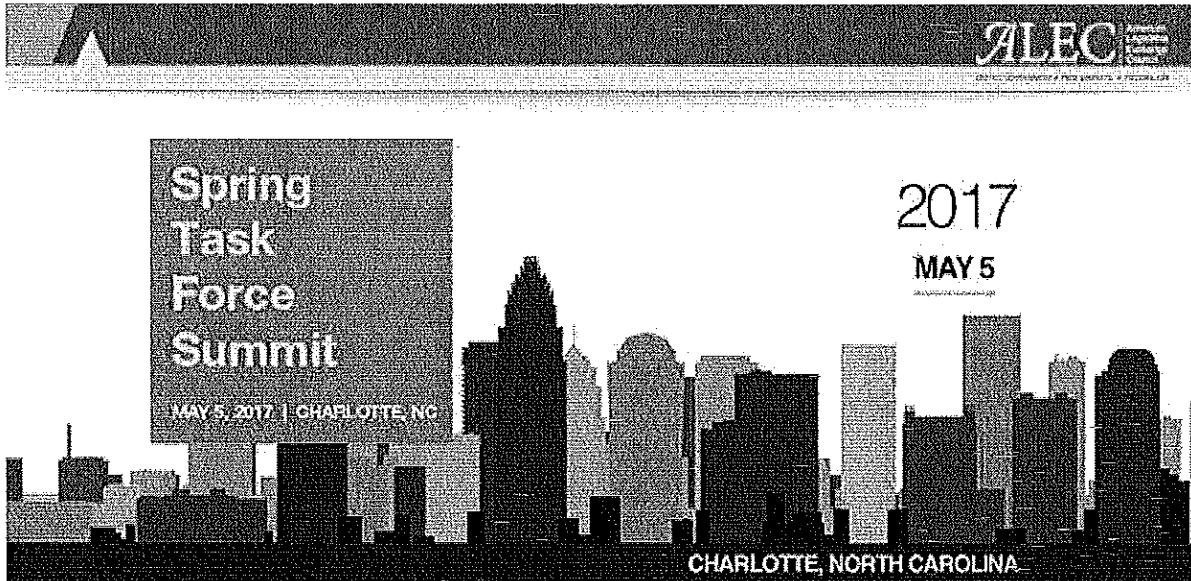
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**From:** Lisa Snell  
**Sent:** Tuesday, February 28, 2017 11:01 AM  
**To:** Rep93  
**Subject:** Center for Student-Based Budgeting Newsletter, February 2017



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**From:** Courtney Cook  
**Sent:** Wednesday, March 1, 2017 10:36 AM  
**To:** Rep93  
**Subject:** Register NOW - ALEC 2017 Spring Task Force Summit!



## **Register NOW for the ALEC 2017 Spring Task Force Summit!**

The ALEC Spring Task Force Summit is a one-day meeting designed to bring together attendees to discuss and exchange policy proposals. This year the Spring Task Force Summit will be held on May 5th in the heart of southeast, Charlotte, NC.

### **What to expect at the 2017 Spring Task Force Summit:**

**Thursday, May 4**

1:00-5:00 PM - On-Site Registration Open

## **Friday, May 5**

7:00 AM-4:00 PM - On-Site Registration Open  
8:00 AM-12:00 PM - Sub-committee Meetings  
8:00 AM-12:00 PM - ALEC Training  
9:00 AM-12:00 PM - Joint Board of Directors and Private Enterprise Advisory Council Meeting  
12:30-1:30 PM - Task Force Lunches  
2:00-5:00 PM - Task Force Meetings  
5:00-6:00 PM - North Carolina Welcome Reception

**Register now and be a part of the conversation!**

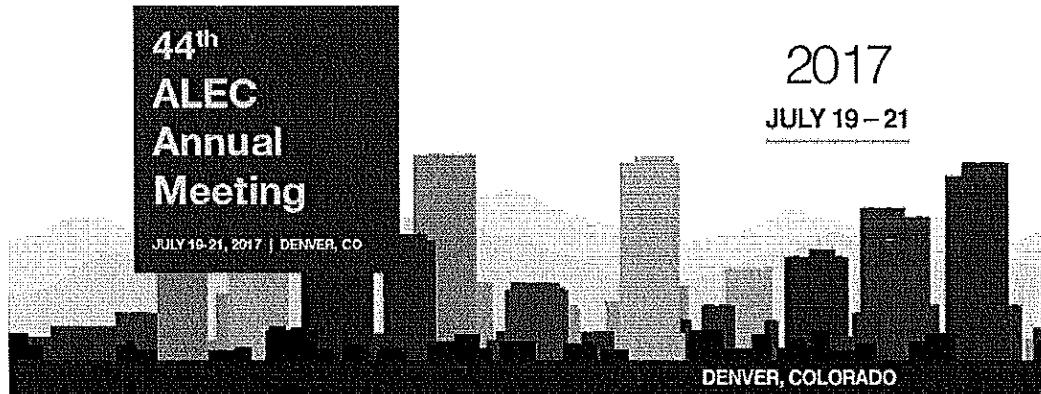
**>> REGISTER NOW**

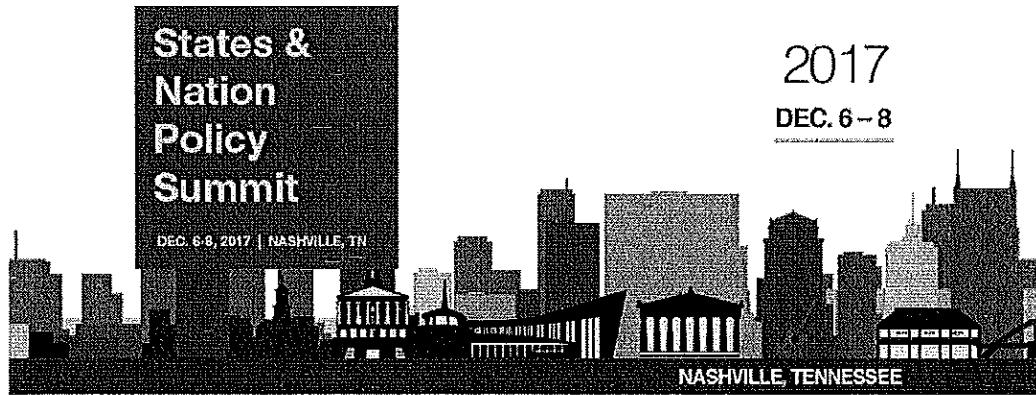
After you register, be sure to reserve your hotel room at the ALEC discounted rate!

Exciting changes are happening at ALEC! As a result, you may notice a change in our registration process. If you have any questions, please let us know by contacting our events team by email or phone (571) 482-5155.

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## **Save-the-Date for ALEC 2017 Events**





This message was sent to rep93@ohiohouse.gov from:

Courtney Cook | CCook@alec.org | ALEC | 2900 Crystal Drive, 6th Floor |  
Arlington, VA 22202  
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**iContact**  
TRY IT FOR FREE ▶

**From:** Lynette  
**Sent:** Saturday, March 4, 2017 5:05 PM  
**Subject:** HJR2 - Legacy

Dear Representative,

The Convention of States Project is a **marketing schema** existing to bring an Article V convention to fruition. They **are conflating the issue** of state conventions with an Article V convention.<sup>1</sup> They are not the same. You must learn what the opposition is saying **FROM** the opposition.

There are many credible scholars who disagree with the Convention of States Project. One example is Dr. Edwin Vieira Jr who holds 4 degrees from Harvard. For over 36 years he has been a practicing attorney specializing in cases that raise issues of constitutional law. **Dr. Vieira has successfully argued or briefed cases leading to landmark decisions in the U.S. Supreme Court.** Vieira has written numerous monographs and articles in scholarly journals, and lectured throughout the country. Surely we can agree Vieira is a respected, capable and credible source. This is a 20 minute candid interview with Dr. Vieira discussing the Convention of States Project's application. Vieira "unpacks" it citing the flaws. **Even if you disagree with him there is no way around this being "a boondoggle heyday for lawyers."**

"Dr. Edwin Vieira on Article V" 0  
Here: <https://www.youtube.com/watch?v=Ymlgk4JA5PQ>

This clip is of COSProject's **Mr. Mark Meckler** testifying last year in a Montana committee hearing. The Republican Chairman asked Mr. Meckler questions about our amendment history and ratification that **Mark Meckler admitted he did not know.** What else doesn't he know?

"State Legislatures can be bypassed"  
3:30 min.  
Here: <https://www.youtube.com/watch?v=HZrJeaEZff8>

COSProject's Attorney Robert Natelson cites the *Leser v. Garnett* ruling incorrectly saying the Necessary and Proper Clause does not apply to Article V when **the ruling calls the Art V process a "federal function."** Delegates are NOT state controlled as he said. Please listen to Robert Natelson in this 4 min video debunking. The ruling is linked in the description.

"Did Natelson Lie about Article V?"

4 mins.

Here: <https://www.youtube.com/watch?v=Vo00q3T6uq4>

The Assembly Of State Legislatures (ASL) is working to bring an Article V convention to fruition. The Convention of States Project has announced the ASL news on their website. COSProject's Senior Legislative Advisor, Utah's Rep. Ken Ivory is involved in it as well as others supporting the COS. Pro convention leader, Indiana's Pro Tempore David Long is a founder of the organization and on the Executive Committee. Senator Long authored and passed one of the first Art V convention companion legislations conceding what the opposition has been saying. It states how Indiana will proceed "**unless established otherwise**" by the **convention**.

Indiana? 9s companion legislation Act No. 225; Chapter 3, Sec. 3 (a) (2)

"Unless established otherwise by the rules and procedures of an Article V convention, "

Bill info

here: <http://www.in.gov/apps/lsa/session/billwatch/billinfo?year=2013&request=getBill&docno=225>

***Please listen to ASL member and COSProject champion say they are all "speculating" on the process and that their rules are NOT BINDING on the convention or its delegates.***

"BREAKING! Legislator Admits Con Con Lie!"

2 mins

Here: <https://www.youtube.com/watch?v=RTANv-VkEaM&feature=youtu.be>

ASL website here: <http://www.assemblystatelegislatures.com/executive-committee.html>

As thoughtfully as it was said, the ASL is another **marketing ploy** to allay concerns and trick folks into supporting an Article V convention that has been correctly warned about for decades.

Who is right? **Who will settle the disputes?** COSProject's attorney Robert Natelson says there will be legal battles all along the way.<sup>2</sup> It is ironic that one of the foremost complaints COSProject leader Michael Farris has is with our judicial system and **the rogue Supreme Court<sup>3</sup> - the same Supreme Court that will rule on these matters!**

For the Convention of States Project's plan to go the way they say, they must be right 100% of the time and win every legal battle. **For it all to fall apart the opposition only has to be right once.**

Please work to stop any and all efforts working to bring an Art. V convention to fruition. The application language only serves to meet the Article V convention threshold for Congress to convene the convention. Make no mistake, the convention does not need to “runaway.” **COSProject Staff Counsel says their application opens up 90% of the Constitution for change.** There’s no need to runaway. Doubly so when you understand that “limit” does not mean things are “reduced.”

“Convention of States Admit Article V Application not Limited.” 0

11:11 mins

<https://www.youtube.com/watch?v=kCApyUYvuRE&index=24&list=PLEknTV2zZz6vAFzX1a2qPiAk176B2ACi>

There are some well-intended people. There are those passing the buck. And then there are some seeking to go down in history. I can’t help but wonder if the eagerness for legacy is stopping some from realizing **their legacy might be that they were easily duped.**

**How can anyone trust this process at this time?**

**How can we trust we will know good amendments considering all the manipulation?**

**How do we know that ratification will not be plagued with the same shenanigans and misguidance?**

I urge you to vote no to HJR2 and work against all applications and efforts working to bring an Article V convention to fruition at this time.

Respectfully submitted,

Lynette Indiana

Citations:

(1) The Convention of States Project is a lobbying organization that exists to bring an Article V convention to fruition. They are intentionally **conflating the issue of “state conventions” and the Constitution’s Article V “convention for proposing amendments”**. Those things are not the same. It does not help the confusion when over the decades we have all casually used the word “call” incorrectly when referring to the states? 9 actions of filing applications for an Article V convention, and many

still do. This matters in context of the delegate companion bills because you cannot build on a faulty foundation.

States have constitutionally gotten together over the centuries at “conventions” to discuss a wide variety of issues. That is fine. What states have not, and cannot do is “call” the Constitution’s Article V convention for proposing amendments and therefore they cannot control the “convention for proposing Amendments.” If the states do not control the convention they cannot control the delegate selection or the delegates.

(Even the COSProject's Attorney and considered Art V convention "expert" Robert Natelson agrees the delegates write the rules for the convention citing "state conventions."

(Here: [https://www.youtube.com/watch?v=GZvVy\\_42Cac](https://www.youtube.com/watch?v=GZvVy_42Cac). Notice he mentions the ASL's rules that were debunk above and are *rules that the COSProject themselves did not even use* during their mock convention.)

The Constitution’s Article V language reads that states may “apply” to Congress and CONGRESS “calls” the convention and that convention is at Congress’s discretion. That is reinforced by the Constitution’s Article 1, Sec. 8, Clause 18, the Necessary and Proper Clause.

There has never been an Art V convention for proposing amendments called. Never. And there is only one Art V convention that will propose amendments to the U.S. Constitution and we (the opposition) assure you everyone is talking about the same process.

We do not need esoteric knowledge to **grammatically breakdown Article V**. If we strip away the parts in the clause, then, the subject, verb, and direct object would read “*Congress...shall call a Convention...? D.*” “Convention of States” is nowhere in there.

COSProject has coined this “convention of states” jargon to infer they are one and the same and that the states would “control” such a convention, and to avoid the commonly used term “con con,” which JBS, Eagle Forum, and others have successfully warned of the dangers for over a quarter century. The “*Convention of States Project*” had to rebrand what they are selling to confuse folks and allay their fears of a potentially unlimited convention.

## (2) "Say No to an Article V Convention with Peter Boyce"

Professor Robert Natelson speaking to ALEC members saying, ..."I would like to remind you of the possibility of lawsuits all along the line. Anything the convention

does that is even arguably legal can and will be challenged in the courts and contrary to what you may have heard, the court is willing to accept Article V disputes."

25 second section tagged to start at the 48:31 min mark

Here: <https://youtu.be/4P2xRwipCbo?t=48m31s>

(3) COSProject co-founder Michael Farris wants to change our judicial system to be like the European Courts of Human Rights. Adding judges to the Supreme Court will not prevent them from making rogue decisions contrary to the "newly-amended" Constitution, nor will it make Congress "check" those rogue decisions by legislatively reversing those decisions as they currently have the power to do, or in extreme cases, by impeaching those justices on the court who insist on violating their oaths, **as they currently have the power to do.**

"Michael Farris ↗ 0 Ironic Plan To Remake The Supreme Court"

By Brian Tashman | March 4, 2014

Here: <http://www.rightwingwatch.org/post/michael-farris-ironic-plan-to-remake-the-supreme-court/>

FDR's "Court Packing" Scheme Now an Inspiration for the Convention of States

MICHELLE HORSTMAN ↗ 0 JULY 3, 2015

Here: <http://freedomoutpost.com/fdrs-court-packing-scheme-now-an-inspiration-for-the-convention-of-states/>

(I apologize or the ads on this cite but Google identifies its reputation as "trustworthy")

end.

**From:** Public Policy Law360  
**Sent:** Wednesday, March 8, 2017 4:47 AM  
**To:** Rep93  
**Subject:** GOP Leaders Defend ACA Repeal Bill Amid Backlash



Wednesday, March 8, 2017



## TOP NEWS

### **GOP Leaders Defend ACA Repeal Bill Amid Backlash**

Amid criticism from both within their party and across the aisle, Republican leaders defended their plans to repeal the Affordable Care Act Tuesday, a day after revealing a plan backed by President Donald Trump.

### **Trump Taps Ex-Jones Day Partner For Solicitor General Post**

President Donald Trump on Tuesday announced his intent to nominate Noel Francisco, until recently a Jones Day partner and currently the acting solicitor general, to serve as the next U.S. solicitor general, confirming rumors that have swirled for weeks about his possible appointment.

### **Kirkland Attorneys Land White House Legal Posts**

Several former Kirkland & Ellis LLP attorneys nabbed legal jobs in President Donald Trump's administration as the White House on Tuesday officially announced the latest batch of additions to the president's counsel office.

### **DAG Hopeful Resists Queries On Trump-Russia Investigator**

## LAW FIRMS

Arent Fox  
Baker McKenzie  
Bangs McCullen  
Best Best  
Boies Schiller  
Brann & Isaacson  
Brownstein Hyatt  
Cleary Gottlieb  
Clifford Chance  
Covington & Burling  
Cravath Swaine  
Davis Polk  
Debevoise & Plimpton  
Dewey & LeBoeuf  
Donohue Brown  
Earthjustice  
Epstein Becker Green  
Eversheds Sutherland  
Frost Brown Todd  
Gibson Dunn  
Goldstein & Russell  
Goodwin  
Greenberg Traurig  
Haynes and Boone  
Hogan Lovells

The nominee for U.S. deputy attorney general, Rod Rosenstein, resisted calls to commit to assigning a special prosecutor to look into the Trump administration's contacts with Russian officials, saying at his confirmation hearing Tuesday that he will think about it once on the job.

#### Analysis

### 3 Employer Takeaways From The ACA Repeal Proposal

Congressional Republicans on Monday unveiled their long-awaited plan to repeal and replace the Affordable Care Act, a proposal that would change the legal landscape for large businesses by scrapping the requirement to provide health coverage to employees or face penalties. Here, experts identify three takeaways for employers from the proposed worker health care overhaul.

### Dems Blast Gorsuch's Record On Workers, Disability Rights

Senate Democrats on Tuesday pounced on Judge Neil Gorsuch's decision in a disability rights case involving a cancer-stricken college professor to paint the judge as an "ultraconservative" unfit for the Supreme Court, trying to foment opposition to his nomination ahead of confirmation hearings taking place later this month.

#### Analysis

### House Bill Could Inject Med Mal Reforms Into ACA Fight

A federal bill to cap noneconomic damages in medical malpractice cases would be a game changer, but its passage faces obstacles that make success unlikely, according to experts, some of whom say the bill's true purpose is for inclusion in the broader package to repeal the Affordable Care Act.

### Hawaii Becomes 1st State To Challenge New Immigration Ban

The state of Hawaii, aided by a litigation team from Hogan Lovells, appears to be the first state

Holland & Knight  
Hunton & Williams  
Jackson Lewis  
Jenner & Block  
Jones Day  
Kennerly Loutey  
Kilpatrick Townsend  
King & Spalding  
Kirkland & Ellis  
LeClairRyan  
Linklaters  
Manko Gold  
Marashlian & Donahue  
Morgan Lewis  
Morrison & Foerster  
Morvillo Abramowitz  
O'Melveny & Myers  
Paul Hastings  
Perkins Coie  
Pillsbury Winthrop  
Priddy Cutler  
Pryor Cashman  
Reed Smith  
Ropes & Gray  
Segal Roitman  
Seward & Kissel  
Skadden  
Slaughter and May  
Sullivan & Cromwell  
Weiner Brodsky  
Williams & Connolly  
Zuckert Scoutt

#### COMPANIES

Air Line Pilots Association International  
Alliance of Automobile Manufacturers  
America's Health Insurance Plans

to challenge President Donald Trump's revised executive order banning people from six Muslim-majority countries from entering the United States, telling a Hawaii federal court it plans to file a temporary restraining order along with an updated complaint.

### **Congress Passes NASA Reform, Reauthorization Bill**

Congress passed a reform and reauthorization bill Tuesday for NASA, sending a measure to President Donald Trump that includes support for an eventual Mars mission and the International Space Station.

#### **Analysis**

### **New Model Regs For Taxing Services May Lead To Lawsuits**

The Multistate Tax Commission's new model regulations for determining how businesses should apportion their income to different states has raised constitutional concerns among tax practitioners who say the recommendations, if adopted, could lead to conflicts between states and service providers.

## **BANKING & SECURITIES**

### **DC Circ. Rejects Motions To Intervene In CFPB Litigation**

The D.C. Circuit on Tuesday denied bids by both backers of the Consumer Financial Protection Bureau, including Democratic members of Congress and state attorneys general, and bureau opponents to involve themselves in a high-stakes appeal of a ruling that could alter the bureau's leadership structure.

## **ENERGY & ENVIRONMENTAL**

### **Congress' Axing Of BLM Planning Rule Sent Along To Trump**

The Senate on Tuesday passed its most recent in a series of resolutions targeting late rules from former President Barack Obama's

American College of Physicians  
American Federation of Labor and Congress of Industrial Organizations  
American Health Care Association  
American Hospital Association  
American Medical Association Inc.  
Association of American Medical Colleges  
CSX Corporation  
Centene Corporation  
Competitive Carriers Association  
Consumer Reports  
Cray Inc  
Ford Motor Company  
Grant Thornton LLP  
Immigration Reform Law Institute  
International Brotherhood of Electrical Workers  
International Brotherhood of Teamsters  
King Pharmaceuticals Inc.  
LexisNexis Group  
Major League Baseball Inc.  
Miami Marlins  
National Association of Broadcasters  
National Association of Insurance Commissioners  
National Conference of State Legislatures  
National Congress of American Indians  
Newegg Inc.  
Overstock.com Inc.  
PHH Corporation  
Pacific Legal Foundation  
Pfizer Inc.  
Pharmaceutical Care Management Association

administration, this one aimed at undoing the Bureau of Land Management's new land-planning regime, and sent it to President Donald Trump for his signature.

### **Senate Dems Ask EPA To Keep Vehicle Emissions Standards**

A group of 12 Senate Democrats wrote a letter to U.S. Environmental Protection Agency Administrator Scott Pruitt on Tuesday in support of keeping emission standards for light-duty vehicles, arguing the rules should stay in place to help the environment and reduce dependency on foreign oil.

### **Fishermen Challenge Obama's Atlantic Marine Monument**

A coalition of New England fishermen organizations on Tuesday sued the federal government over former President Barack Obama's designation of an oceanic national monument that they say will harm commercial fishing in the area.

### **EPA Can't Ignore Mercury Rule Mistakes, DC Circ. Told**

Environmentalists and electric industry groups on Monday took their final swings at the U.S. Environmental Protection Agency's mercury rule for coal-fired power plants in the D.C. Circuit, insisting the agency wrongly rejected their bids to alter the rule.

## **HEALTH & LIFE SCIENCES**

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### **Epic Backlash Greeted ACA Repeal Plan**

House Republicans on Tuesday encountered swift and sweeping resistance to their Affordable Care Act repeal plan, with powerful industry groups and diverse conservative voices expressing opposition.

### **Clearing Medicare Backlog Quickly Is Impossible, HHS Says**

The U.S. Department of Health and Human Services won't be able to meet a court-imposed

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S&P Global Inc.  
Samsung Electronics Co. Ltd.  
Southern California Edison  
Texas Rangers  
Twitter Inc.  
U.S. Chamber of Commerce  
Uber Technologies Inc.  
United States Steel Corporation  
Verizon Communications  
Wayfair LLC

**GOVERNMENT AGENCIES**  
Agua Caliente Band of Cahuilla Indians  
Bureau of Indian Affairs  
Bureau of Labor Statistics  
Bureau of Land Management  
California Department of Insurance  
California Environmental Protection Agency  
Central Intelligence Agency  
Cherokee Nation  
Congressional Budget Office  
Consumer Financial Protection Bureau  
Executive Office for Immigration Review

Executive Office of the President  
Federal Aviation Administration  
Federal Communications Commission  
Florida House of Representatives  
Indian Health Service  
Internal Revenue Service  
National Aeronautics and Space Administration  
National Highway Traffic Safety Administration

deadline to clear a backlog of Medicare billing appeals unless it settles the claims without actually seeing if they have merit, the agency told a D.C. federal court Monday.

### **Trump's Rule To Stabilize ACA Draws Praise, Warnings**

The Trump administration on Tuesday heard vastly different perspectives on its ideas for stabilizing Affordable Care Act marketplaces, with consumers, insurers and regulators diverging on proposals for restricting enrollment and easing network oversight.

### **MEDIA & ENTERTAINMENT**

#### **MLB Execs Testify As Ballplayer Smuggling Trial Continues**

An agent and a trainer accused of helping smuggle Cuban ballplayers to the United States commenced their defense Tuesday by calling Texas Rangers General Manager Jon Daniels and other baseball executives to testify at their federal trial in Miami after the judge rejected their motions for acquittal.

#### **Fla. Court Declares State Lottery Contract Void**

A Florida judge handed the leader of the state's House of Representatives a win Tuesday by declaring the state lottery department's 14-year contract for ticket vending machines void because the department did not get legislative approval first.

### **TRANSPORTATION & INFRASTRUCTURE**

#### **Norwegian Air Can Intervene In DC Circ. Air Permit Row**

Norwegian Air Shuttle ASA's Irish subsidiary can intervene in a suit brought by a coalition of pilots and flight attendants unions challenging the U.S. Department of Transportation's controversial decision to grant the airline a

National Labor Relations Board

National Railroad Passenger Corporation

National Security Council

Office of the Director of National Intelligence

Pascua Yaqui Tribe

Securities and Exchange Commission

South Dakota Department of Revenue

Tennessee Legislature

Transportation Security Administration

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Housing and Urban Development

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Office of Personnel Management

U.S. Railroad Retirement Board

U.S. Senate

U.S. Supreme Court

foreign air carrier permit, the D.C. Circuit has decided.

### **DC Circ. Asked To Halt Santa Monica Runway Reduction**

General aviation groups asked the D.C. Circuit on Monday to halt Santa Monica's plans to shorten its airport runway to shut out jets as allowed under the California city's approved plan to close the airfield by 2029, a pact with the Federal Aviation Administration that airport proponents argue is legally invalid.

### **Unions Siam Railroads' Bid To Preempt Mass. Sick Leave Law**

A group of labor unions that represent railway workers told the First Circuit on Monday that a lower court wrongly deemed a Massachusetts paid sick leave law to be preempted by federal law, as the latter was designed to preempt only laws that would duplicate longer-term disability benefits.

## **EMPLOYMENT**

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### **6th Circ. Denies Rehearing On County's Right-To-Work Law**

The Sixth Circuit on Monday declined to revisit as a full body a November panel ruling that a Kentucky county's right-to-work ordinance is allowed by the National Labor Relations Act, leaving the door open for local governments to enact such measures where no statewide law exists.

## **PRIVACY & CONSUMER PROTECTION**

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### **Gretchen Carlson, Dems Push Bids To Ax Forced Arbitration**

Former Fox News anchor Gretchen Carlson and a group of Democratic lawmakers pitched legislation that would keep mandatory arbitration clauses out of employment and other consumer contracts, saying at a news

conference Tuesday that arbitration protects corporations from facing their ills.

## INTERNATIONAL TRADE

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### **Senate Panel Will Examine US Trade Rep Nominee Next Week**

The Senate Finance Committee on Tuesday announced that it will hold a hearing on March 14 to consider the nomination of Skadden Arps Slate Meagher & Flom LLP trade attorney Robert Lighthizer to serve as the next U.S. trade representative.

## TAX

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### **SD Sales Tax Law Edges Closer To Hearing In Top Court**

A South Dakota law imposing sales taxes on certain out-of-state retailers inched closer to the Supreme Court on Tuesday when a state circuit court tossed a lawsuit to compel online retailers to pay the tax, finding the suit fails as a matter of law.

### **Pa. Auditor Says Marijuana Can Help Close Budget Shortfall**

Pennsylvania's auditor general called for the full legalization, and taxation, of marijuana Monday as a way to tackle the state's projected \$3 billion budget shortfall and to address the social and fiscal costs of policing the drug and pursuing criminal charges against users.

### **Water Agency Can't Revive Challenge To Tribal-Land Tax Rule**

The Ninth Circuit held Tuesday that a California water agency was not injured by a federal regulation it argued might keep it from collecting certain taxes and fees from non-Indians who lease reservation lands, affirming the toss of the agency's challenge.

## IMMIGRATION

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## **Trump's Hiring Freeze Doesn't Touch Immigration Judges**

President Donald Trump's recent federal employee hiring freeze does not affect federal immigration judges, the Executive Office for Immigration Review has said, marking the latest clarification on how the president's budget-cutting agenda will be implemented.

## **Immigration Group Wants In On Visa Rule Challenge Suit**

An advocacy group for high-skilled immigrants has asked to intervene in an appeal at the D.C. Circuit brought by Save Jobs USA over a decision upholding a new rule that would allow spouses of certain H-1B workers to apply for employment authorization, saying the rule was validly implemented but may no longer be defended by the federal government under President Trump.

## **NATIVE AMERICAN**

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### **Tenn. Judge Nixes Native Groups' Suit Over State Recognition**

A Tennessee federal judge on Monday tossed a suit by three Native American groups claiming the state violated their constitutional rights by reneging on a state commission's decision to recognize them as tribes, saying Tennessee hadn't waived its Eleventh Amendment immunity to those claims.

## **TELECOMMUNICATIONS**

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### **Trump Renominates FCC's Pai To Continue As Chairman**

President Donald Trump has nominated Federal Communications Commission Chairman Ajit Pai to a second term at the agency, the commission announced on Tuesday.

#### **Analysis**

### **FCC's Robocall Plan To Benefit From Rare Bipartisanship**

Federal Communications Commission Chairman Ajit Pai's planned proposal to expand the tools for combating illegal robocalls builds from a President Barack Obama-era initiative, and experts say it's expected to gain rare agreement across party lines and between government and industry.

### **Broadcasters Ask FCC To Make Post-Auction Deadline Flexible**

The National Association of Broadcasters has urged the Federal Communications Commission to make its timeline for repacking broadcasters after the incentive auction flexible, saying viewers could be at risk of losing service.

### **EXPERT ANALYSIS**

#### **Shining A Light On GOP Plan For Health Care Reform**

Since the election of President Trump and Republican majorities in the House and the Senate, there has been a strong push to repeal and replace the Affordable Care Act. However, there has been little detail as to what "repeal" or "replace" actually mean. Recent developments provide some clarity, say members of Debevoise & Plimpton LLP.

#### **The Need To Preserve And Expand Tribal VAWA Jurisdiction**

Given the new administration's penchant for rolling back progressive civil rights and social justice victories achieved under the Obama administration, the fight to reauthorize the Violence Against Women Act looms large. VAWA provides crucial protection for Native American women, who are victims of violent crime more than any other demographic, primarily at the hands of non-Natives, says Becky Howlett of Kilpatrick Townsend & Stockton LLP.

#### **NY Employers Can't Avoid Overtime And Minimum Wage Regs**

When a district court judge in Texas enjoined the U.S. Department of Labor's federal overtime rule last year many employers breathed a sigh of relief. However, there are many states, like New York, that have expressed a real intent to fill the void and make sure that labor protections continue, say Joshua Zuckerberg and LaKeisha Caton of Pryor Cashman LLP.

## LEGAL INDUSTRY

### **Largest Firms' Rates Pull Further Ahead Of The Pack**

The split is growing between partner billing rates at the largest law firms and the lower tiers, even at other relatively large firms, a report based on 2016 billing data has found.

### **Morgan Lewis Launches Remote-Work Option For Associates**

Morgan Lewis & Bockius LLP on Tuesday announced a formal remote-working program for associates.

### **Ex-BigLaw Atty's Pfizer Tip Shared Among Friends, Jury Told**

The trial of a former Hunton & Williams patent partner who allegedly leaked inside information about a Pfizer deal continued Tuesday as a cooperating witness who pled guilty to trading on the intel told jurors the details about how the tip ended up in his hands — and how it was eventually discovered.

### **Dewey Star Cooperator Set To Take Stand At Fraud Retrial**

The former director of finance at Dewey & LeBoeuf LLP and star cooperating witness for the government is due to take the witness stand Thursday in the retrial of two top Dewey executives accused of running a massive accounting fraud scheme at the firm.

### **Cleary Gottlieb Raises UK First-Year Pay To £120K**

Pay for Cleary Gottlieb Steen & Hamilton LLP's first-year London associates continues to rise, with salaries climbing from £96,000 in 2015 to £105,000 last year and finally reaching £120,000 this month, a firm spokesman said Tuesday, putting its associates among the top-paid first-year lawyers in the U.K.

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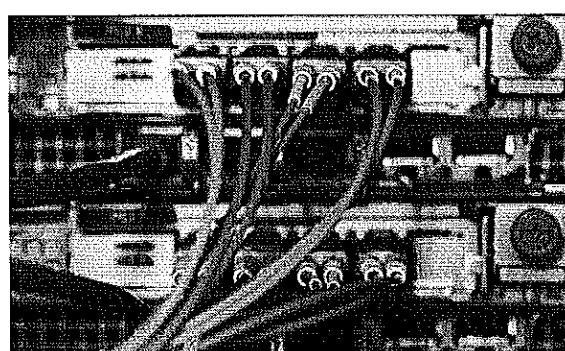
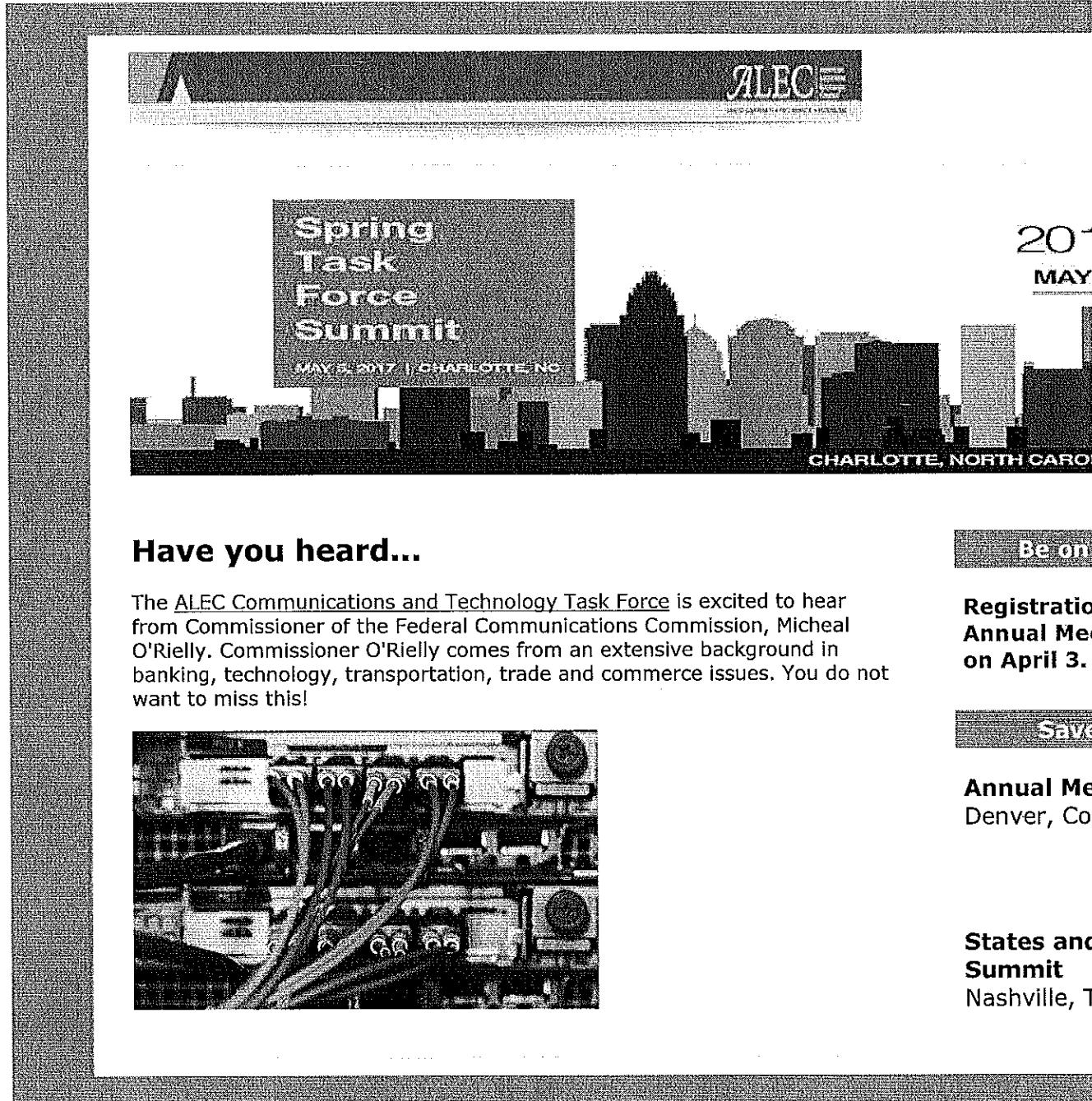
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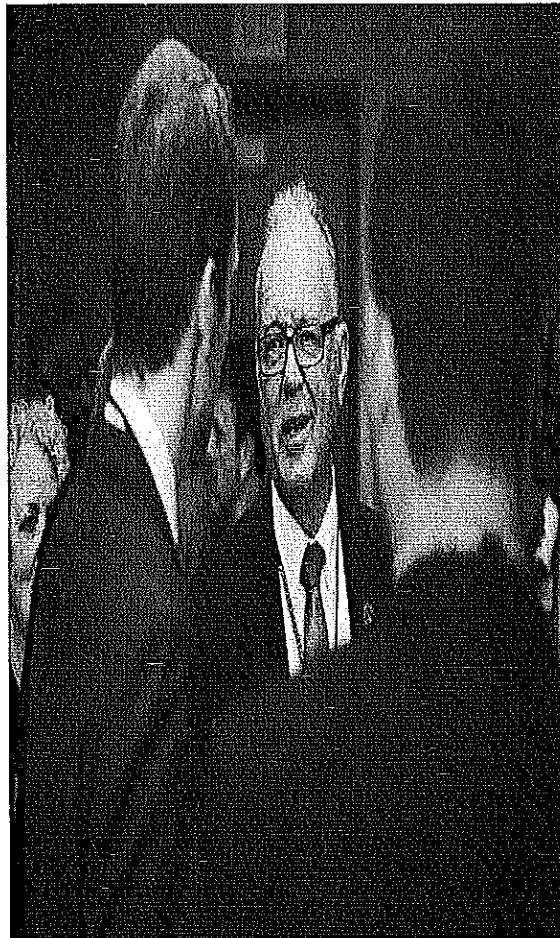
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**From:** Courtney Cook  
**Sent:** Wednesday, March 8, 2017 3:47 PM  
**To:** Rep93  
**Subject:** See What's Happening at the ALEC Spring Meeting!



## **Get there early...**

ALEC is excited to host a reception for our Center for Innovation and Technology. Grab your badge and join us before you hit the town for dinner on Thursday, May 4 from 4:30 PM - 6:00 PM at the hotel.



**Contact o**

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## **Ohio Report for Friday, July 15, 2016**

Timeline For Energy Freeze Action Unclear, Says Senate No. 2

ECOT Debate Becomes Campaign Fodder In State Senate Race

RNC Update: Trump Confirms Pence As VP Pick; 'Never Trump' Efforts Fail...

Campus Culture Survey Results To Inform Continued Sexual Violence Prevention, Response Efforts

Becker Defends Right-To-Work Bill For Public Sector, Acknowledges Its Passage Is A Longshot

Education Notes: ECOT Defends Decision To Withhold Log-In Data; Antioch Receives Accreditation; Lawmaker Urges Standards Feedback

Court Briefs: Dems File Brief In '2Golden Week' Case; 1851 Center Seeks To Stop Eminent Domain For Pipeline; Judicial College Employee Honored

Agency Briefs: AG's Office Doles Out Funding To Rape Crisis Centers; BWC; SOS; ODNR; PUCO; Senate

From Congress: Brown, Portman Applaud U.S. Attorney Confirmation; Kaptur Applauds Funding Awards; Gibbs; Ryan

Gongwer's Ohio Convention Coverage

Attorney General's Opinion

Supplemental Agency Calendar

Supplemental Event Planner

## **Calendars**

Day Planner

Event Planner

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## Volume #85, Report #136 -- Friday, July 15, 2016

### Timeline For Energy Freeze Action Unclear, Says Senate No. 2

A Senate leader said lawmakers may not act on the soon-to-end freeze on renewable energy and energy efficiency standards until sometime next year.

Sen. Larry Obhof (R-Medina), the Senate's president-pro tem and likely next chamber leader, said in an interview this week he advocates for an "all the above approach" to rethinking the mandates that were frozen in 2014 and are set to kick back in at the end of this year without legislative action.

But such an undertaking might not be easier considering the limited number of session days scheduled this fall, he said. The Senate is scheduled to return in late September with at most 21 days set for work in committees, and much fewer days anticipated for full sessions. (See Gongwer Ohio Report, June 1, 2016) The House, meanwhile, is set to reconvene after the November election with at most eight full session days.

"I think that's a pretty big issue and if there's not that many session days it remains to be seen whether that'll be tackled in that amount of time," Sen. Obhof said. "I definitely think moving forward whether it's at the end of this year or at the beginning of the next General Assembly we need to come up with a comprehensive and consistent policy on energy."

By not acting by Dec. 31, the freeze would thaw, allowing the standards to kick back into effect, which Republicans argue could harm Ohio considering lingering uncertainty over the federal Clean Power Plan and other unknowns. Proponents of the standards say any effort to extend the freeze or lower the standards would take the state backward.

There are currently three bills pending in either chamber with different approaches. A bill from Sen. Bill Seitz (SB 320) would extend the freeze until 2019, while a bill from Rep. Ron Amstutz (HB 554) would extend the freeze indefinitely. A third bill (SB 325), from Sen. Kris Jordan, would abolish the mandates completely. (See Gongwer Ohio Report, May 11, 2016)

If none of those bills pass by the end of the 131<sup>st</sup> General Assembly, the legislative slate will be wiped clean and a new bill would need to be authored to tackle the issue next year.

Sen. Obhof said that even if lawmakers act on the freeze, he believes more comprehensive action would be needed in the next General Assembly.

"I think there will be some kind of action in the next 12 to 18 months regardless of whether the freeze is extended or not," Sen. Obhof said. "I don't know if there is any

science supporting the current numbers and mandates in law. I think we need to have a fact-based approach, one that has room for all the natural resources available."

The pending end of the freeze is one of the reasons cited by Sen. Bill Seitz (R-Cincinnati) as a reason for more Republican scrutiny of Gov. John Kasich's recent appointee to the Public Utilities Commission of Ohio.

Democratic attorney Howard Petricoff on Tuesday faced his first hearing before the Sen. Seitz's Senate Public Utilities Committee. (See Gongwer Ohio Report, July 12, 2016)

"I believe we're at a unique crossroads caused by a fairly simultaneous convergence of numerous complex issues," Sen. Seitz said. "I think we all need to make an effort to understand each other on these issues and of course no one is more central to that vortex than the five members of the PUCO."

Other uncertainties he cited include ongoing rehearings of proposed Power Purchase Agreements from AEP and FirstEnergy, the departure of former PUCO Chairman Andre Porter, and the ongoing federal court case over the legality of the Clean Power Plan.

### **ECOT Debate Becomes Campaign Fodder In State Senate Race**

In one of the first significant rhetorical volleys in this legislative campaign cycle, the rising controversy over funding and student attendance at the state's largest online charter school is a point of contention in the race for the open 16<sup>th</sup> Senate District.

Democrat Cathy Johnson, a teacher looking to upset favored Rep. Stephanie Kunze (R-Hilliard) in the right-leaning western Franklin County seat, fired the initial salvo this week in criticizing the Republican over issues related to the Electronic Classroom of Tomorrow.

Her criticisms were dismissed by Sen. Dave Burke (R-Marysville), chairman of the Republican Senate Campaign Committee, who described the Democrat's statements as "misguided to say the least" and defended the Republican's positions on and support for education.

The race for the seat being vacated by Sen. Jim Hughes (R-Columbus) is one of only a handful in the Senate this year that's expected to be even marginally competitive thanks to the GOP-led reapportionment process. It has trended Republican for several years, but Democrats are hoping that with a polarizing candidate atop the GOP ticket they can make hay in legislative races this fall.

ECOT is currently locked in a legal battle with the Ohio Department of Education over attendance records, with a looming audit having the potential to strip millions of funding from the online charter founded by Bill Lager. (See Gongwer Ohio Report, July 11, 2016)

Ms. Johnson in a campaign release "announced her support" for ODE's attempts to examine ECOT's records and said Rep. Kunze voted "against measures to hold e-

schools accountable in 2015" and "has accepted \$33,000 from ECOT's founder, Bill Lager, over the past four years."

"As a mother, teacher and taxpayer, I am astonished by the deceptive tactics of this taxpayer-funded e-school," Ms. Johnson said. "It's disappointing that Representative Kunze refused to stand up for Ohio's students and taxpayers by holding ECOT accountable when she had the chance."

The Democrat said Ms. Kunze "voted with Republicans to block amendments that would have required annual audits for charter school operators, clarified that records of all charter school operators are public records and given the public more access to information on charter school board members and meeting times."

"It's disappointing that Representative Kunze refused to stand up for Ohio's students and taxpayers by holding ECOT accountable when she had the chance," Ms. Johnson added. "Instead, she chose to accept donations from ECOT's founder. We need a State Senator who is dedicated to fighting for students and families. Anyone can say yes to special interests with deep pockets."

Sen. Burke questioned the focus of Ms. Johnson's assertions, saying Rep. Kunze has a record that belies such criticisms.

"Stephanie Kunze has a record of supporting both public education and parent choice," he said. "I would also say that both traditional public education and charter schools and ECOT schools, etc. are all in need of improvement beyond a shadow of a doubt and that is what we're working on."

To that end, Sen. Burke said, Ms. Kunze was a cosponsor of HB 2, which he described as "the largest reform bill dealing with non-traditional public schools." As the legislature continues to look for improvements to all kinds of public schools, he added, "she is obviously supportive of that."

"I would say, unlike Ms. Johnson's statement, that rather than have a singular source of education, that Stephanie believes parents should have a choice. The competition within that market drives improvement, so in order for public schools to get better, parents should have a choice."

The Republican said some of the tabled budget amendments the Democrat is apparently referring to "would have basically eliminated parent choice."

Sen. Burke also pushed back on the suggestion of a quid pro quo involving campaign donations.

"I imagine Stephanie Kunze, like me, accepts money from a lot of people," he said. "I've taken money from Bill Lager. I also was a direct cosponsor of (Sen. Peggy Lehner's) bill to reform ECOT and charter schools from day one."

"I guess the inverse question there would be, 'If the (Ohio Education Association) paid money to Stephanie Kunze, do you think she'd change?' I'm guessing probably not."

The debate over ECOT escalated considerably in recent weeks as ODE moved forward with plans to review the schools attendance records. In the latest twist, the *Columbus Dispatch* reported Thursday that ECOT is refusing to release some of the requested data.

As election season progresses, Democrats have increasingly pointed to the majority GOP's ties to ECOT, which has been at the forefront of the Republican-led expansion of the charter industry in the state.

Carrying forward the support of his predecessor, Speaker Cliff Rosenberger (R-Clarksville) spoke at this year's ECOT graduation ceremony, which in the past has been attended by other prominent Republican officeholders.

The Ohio Democratic Party recently called for a moratorium on state funding to ECOT and a larger investigation into the state's charter school system, stating: "Last year as the Ohio General Assembly considered a bill to reform charter schools, Lager gave nearly \$150,000 to 21 Ohio Republican legislators over the course of two months."

### **RNC Update: Trump Confirms Pence As VP Pick; 'Never Trump' Efforts Fail...**

Donald Trump on Friday became the first presumptive nominee to announce his vice presidential pick via Twitter.

As expected, Mr. Trump confirmed he has tabbed Indiana Gov. Mike Pence as his running mate in a tweet shortly before 11 a.m.

Mr. Trump had previously announced he was postponing the New York City press conference where he was expected to make the announcement following a mass killing in Nice, France.

But Gov. Pence faced a noon deadline Friday by which to withdraw from his gubernatorial reelection bid in order for the Indiana Republican Party to name a replacement candidate, meaning the news would have been confirmed then even without an announcement from the Trump campaign.

The formal news conference will now take place at 11 a.m. Saturday in New Jersey.

Word broke Thursday that the first term Indiana governor and former congressman was to be Mr. Trump's No. 2.

Gov. Pence has been engaged in a gubernatorial rematch with Democrat John Gregg - a race that's taken on a new element of competitiveness following Republican discontent over Mr. Pence's handling of last year's so-called Religious Freedom Restoration Act.

Mr. Pence, well thought of in religious conservative circles, is seen as an attempt by Mr. Trump to appeal to that voter bloc and to create inroads with Congress, where Gov. Pence served from 2001-2013.

The campaign of DNC presumptive nominee Hillary Clinton immediately blasted the pick in a statement, calling it the "most extreme VP pick in a generation."

Clinton campaign Chairman John Podesta criticized the governor for defunding Planned Parenthood, advocating early on for the Tea Party movement, and signing a religious freedom law that opponents say legalized discrimination against LGBT citizens.

"By picking Mike Pence as his running mate, Donald Trump has doubled down on some of his most disturbing beliefs by choosing an incredibly divisive and unpopular running mate known for supporting discriminatory politics and failed economic policies that favor millionaires and corporations over working families," Mr. Podesta said.

The campaign then promptly organized a media call featuring allied groups criticizing the Republican ticket.

**Rules Committee:** GOP leaders and Trump loyalists thwarted plans to undermine Mr. Trump's candidacy during a closely watched RNC Rules Committee meeting Thursday.

The morning meeting was delayed several hours while party leaders attempted to negotiate with members of the "Never Trump" movement, but talks soon fell apart. Those members had hoped to change rules to permit delegates to vote their conscience, thereby freeing bound delegates to vote against Mr. Trump on the first ballot.

But as the day wore on it became clear the anti-Trump contingent had too little support for success and lacked the required votes to create a minority report that would have ensured debate on the issue before the full convention next week. Amendment author Kendal Unruh said she would still attempt to earn the required 28 signatures for a minority report.

Following much debate, delegates also shot down a proposed amendment that would have barred lobbyists from being members of the RNC - a change Ohio delegate and lobbyist JoAnn Davidson strongly criticized in remarks before the body.

The committee, which had planned to meet Friday, eventually finished the agenda late Thursday and adjourned. The rules package will be sent to the full convention Monday for consideration.

RNC Chairman Reince Priebus said the meeting "made clear the high level of unity within our Party."

"Grassroots voices from every state and territory have crafted a set of rules which will keep our party strong at the local, state, and national level, and we honored the spirit of democracy by conducting our Rules Committee meeting in a completely open and transparent fashion," he said.

**Schedule:** The RNC had not yet released an official schedule of events for convention week in Cleveland as of midday Friday, just two days before the RNC is schedule to kickoff.

But Ohio leaders and others have already announced a slew of ancillary events timed to capitalize on the convention crowd.

The Ohio Republican Party will host daily 8 a.m. breakfasts featuring Treasurer Josh Mandel and U.S. Sen. Tom Cotton (Monday); U.S. Rep. Bill Johnson and Frank Luntz (Tuesday); U.S. Rep. Pat Tiberi and House Speaker Paul Ryan (Wednesday); and Lt. Gov. Mary Taylor, U.S. Sen. Rob Portman, and Florida Attorney General Pam Bondi (Thursday).

The ORP already announced a 3:30 p.m. Tuesday event at the Rock 'n' Roll Hall of Fame to honor Gov. John Kasich.

A sampling of other events during the course of the week includes:

- Sunday - a "Taste of Little Italy" event featuring Attorney General Mike DeWine at 3 p.m. at Tony Brush Park
- Monday - a 3 p.m. campaign event in which Sen. Rob Portman, former Speaker Newt Gingrich and Sen. Joni Ernst will address Sen. Portman volunteers at the Tri-C Metropolitan Campus
- Tuesday, a 10:15 a.m. reception for media members with Sen. Rob Portman; and 11 a.m. welcome tea hosted by the Ohio Federation of Republican Women at the Wyndham Cleveland at Playhouse Square featuring U.S. Rep. Marsha Blackburn (R-Tenn.)

A partial list of convention speakers was officially released Thursday, although the time and dates of the speeches have yet to be announced by the RNC.

In contrast, the Democratic National Convention Committee announced Friday the headline speakers for the DNC in Philadelphia later this month. They include First Lady Michelle Obama and Sen. Bernie Sanders July 25, President Bill Clinton July 26, President Barack Obama and Vice President Joe Biden July 27, and Hillary Clinton and Chelsea Clinton July 28.

A series of musical acts will perform each day of the RNC at Freedom Plaza, which will also include drinks and food. For a complete list, visit the RNC's website. An evening

concert, featuring a variety of "American Idol" and "The Voice" winners will take place at 11 p.m. Tuesday at Gray's Armory.

The Clinton campaign and the DNC, meanwhile, are organizing their own counter events in Cleveland with a slew of press conferences and conference calls aimed at undercutting the RNC. Former Gov. Ted Strickland and the Ohio Democratic Party will also ramp up their attacks on U.S. Sen. Rob Portman as they seek to link him to Mr. Trump.

Other groups have scheduled their own events to criticize Republicans. The Ohio AFL-CIO is set to "welcome" Republicans to the city during a 2 p.m. Sunday event featuring former Gov. Ted Strickland at the Laborers' Local 310 Hall.

ProgressOhio has created a calendar of counter events that includes a "Daily Show" convention-sideshow, League of Women Voters voter registration drives, and daily nonviolence training for protestors.

**Bob Bennett:** The City of Cleveland granted a secondary street name to the intersection of Ontario Street and Huron Road for the duration of the convention. The intersection will be known as Bob Bennett Way in honor of former ORP chairman.

"More than any one person, Bob Bennett steadfastly sought to bring the Convention to Cleveland," Ohio Republican Party Chairman Matt Borges said. "We are sad that he is not here to see the world spotlight on Cleveland, but grateful to the Mayor's office for honoring him in this way so that we can acknowledge his contribution to this week."

**Tourism:** With the RNC expected to draw 50,000 people to Cleveland, TourismOhio is rolling out all the stops to showcase Ohio, according to a press release.

The group is launching a 360 degree "virtual reality experience" during the convention, to capitalize on visitors and showcase various Ohio hotspots.

The experience will be hosted in a 40-passenger bus located outside the Quicken Loans Arena, according to the release, and will "offer a personal Ohio adventure for participants with a wide range of interests." Those not at the event can take part online.

Some of the featured items include Cedar Point, Hocking Hills, parasailing over Lake Erie, and various Cleveland attractions.

#### **Campus Culture Survey Results To Inform Continued Sexual Violence Prevention, Response Efforts**

Students largely believe that their colleges and universities would seriously address sexual assault reports and take corrective action against offenders, according to their responses on surveys disseminated by all of the state's public institutions.

The surveys were an integral piece of the Changing Campus Culture initiative, which the Department of Higher Education launched last fall in an effort to encourage best practices in preventing and responding to sexual violence on campuses. (Survey Results)

Chancellor John Carey urged schools to join the voluntary effort and they responded. All of Ohio's public universities and 80% of private institutions participated in the campus climate survey that asked students to give feedback on how they think sexual assault is being handled and whether they know how to file reports.

Michelle Johnston, the University of Rio Grande/Rio Grande Community College president who has been the face of the initiative, said she's encouraged by the swell of interest in improving sexual violence policies.

The feedback, she said, will be used to steer the other facets of the \$2-million initiative, which include developing comprehensive response policies, adopting survivor-centered responses, launching awareness campaigns and implementing comprehensive training programs.

"With 100% of our public colleges and universities completing a common survey of our students, we have a clearer picture of where we are, collectively and as unique institutions," she said in a statement. "Using this data, we will thoroughly analyze where we are now and will chart a course for where we want to be, in relation to positive and safe environments on our campuses."

Students who responded to the survey agreed, on average, that the university would take sexual assault reports seriously and would support those making the reports. The average respondent also said the university would take corrective action against offenders and would take steps to protect the person making the report from retaliation.

However, students largely disagreed or were neutral with a survey statement that sexual violence is not a problem on their campuses and responses were mixed on a question of understanding institution policies for addressing complaints.

Less than one-third of students reported they don't know the contact information to get on-campus support for sexual violence despite about 13% of them saying they knew women who had been assaulted on campus.

"As I have shared many times before, numbers don't lie, and in the case of sexual violence on our campuses in Ohio, the numbers tell a story that needs a better ending," Ms. Johnston said of why the initiative was launched in October.

In addition to the aggregate data compiled by ODHE, the agency said campuses also administered more comprehensive surveys that will inform policies specific to individual institutions. All public institutions and 88% of private colleges and universities completed those surveys.

Ohio is one of few states in the country that has collected such data, according to ODHE. Much of the work to complete the surveys was done with the help of grants that were funded with a portion of the \$2 million allocated to the initiative in the biennium budget (HB 64).

The grants are also to be used to support putting best practices in place. The overall budget funding has paid for, among other things, webinars and summits to keep institutions engaged in the initiative and collaborating with one another.

"It's exciting to see Ohio dedicating state resources to collect prevalence data, support survivors and prevent sexual violence on college campuses, and partnering with the coalition and rape crisis centers," said Monika Johnson Hostler, the president of the National Alliance to End Sexual Violence.

"It is through this strategic, long-term investment and the development of partnerships between campuses and community-based programs that we will see long-term positive change for students."

### **Becker Defends Right-To-Work Bill For Public Sector, Acknowledges Its Passage Is A Longshot**

The sponsor of public sector right-to-work legislation defends introducing the controversial measure while acknowledging it is likely dead-on-arrival.

Rep. John Becker (R-Union Twp.) said legislation (HB 583) that would remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization is good policy that will likely not be well-received in the General Assembly.

"It's something my constituents have been demanding for a long time," he said in an interview. "I think it's good for Ohio and hopefully it will be able to move forward."

But We Are Ohio, which was formed in opposition to similar legislation designed to curtail the collective bargaining power of public sector unions, slammed the proposal, saying that workers in state with similar laws make less money and are more prone to on-the-job injuries.

"We believe right-to-work is wrong for Ohio, for working people, for all of us," spokesman Dennis Willard said in an interview.

"There is no support from working people in this state for this extreme idea."

Asked about the likelihood of the bill becoming law, Rep. Becker said he has "no reason to be optimistic."

"I have no feedback one way or the other, but based on the public comments that the governor has made and based on my feelings of what's going on in the Senate or where they might be, I'm not optimistic," he said.

Gov. John Kasich has said repeatedly that right-to-work legislation is not on his agenda in the wake of the public rebuke over similar legislation (SB5, 129<sup>th</sup> General Assembly) that was struck down by the state's voters in a labor-backed referendum.

John Fourtney, spokesman for the Senate Majority Caucus, said the measure has yet to be vetted by members. However, Senate President Keith Faber (R-Celina) has spoken favorably of eliminating a requirement for union shop employees to pay union dues (See Gongwer Ohio Report, January 4, 2013), but has said the support is not there among his members. (See Gongwer Ohio Report, June 3, 2013)

Carolyn Best, spokeswoman for Speaker Cliff Rosenberger (R-Clarksville), also said the bill will be discussed further among caucus members in the fall.

The fight over Senate Bill 5 galvanized the labor movement, and Rep. Becker acknowledged that the introduction of similar legislation could provide good political fodder for Democrats in an election year.

"I could see that being a drawback. It just gives the Democrats another talking point and a fundraising letter to send out," he said.

However, he said his measure is different from Senate Bill 5 in that it does not address collective bargaining benefits.

"It is simply an opt-out for public sector employees," he said.

Democrats and labor groups have derided right-to-work legislation for allowing those who opt out of paying union dues to still receive the benefits from negotiated terms of contracts. But Rep. Becker said those who opt-out under his legislation would no longer be protected by unions.

"If they run into some kind of trouble with management, they will not be able to look to the union," he said, adding that it is up to management to decide how to deal with the wages and benefits of non-union employees.

Critics have also said that right-to-work legislation is designed to weaken unions both financially and politically. Rep. Becker, however, also downplayed that critique.

"I wouldn't expect a mass exodus from unions if this were to be signed into law," he said. "If there were a significant exit, it would tell me that there's a problem with the unions. If the only way they can maintain their union through a captive audience then they need to be looking in the mirror."

Ohio Democratic Party Chairman David Pepper called the bill a "sneak attack on Ohio's working families for the lame duck session."

### **Education Notes: ECOT Defends Decision To Withhold Log-In Data; Antioch Receives Accreditation; Lawmaker Urges Standards Feedback**

A spokesman for the state's largest online charter school is defending the school's refusal to hand over student log-in data requested by the Department of Education.

Electronic Classroom of Tomorrow is not breaking any laws by refusing the data that's at the center of a lawsuit alleging ODE will misuse that information to determine per-pupil funding, school spokesman Neil Clark said.

A Franklin County judge earlier this week denied ECOT's request for a temporary restraining order to stop ODE from moving forward with an audit until after the court rules how student attendance should be used to inform payment totals.

ODE on Monday moved forward with the attendance review, but an email from the agency's attorney to ECOT revealed that the school was refusing to turn over the log-in and log-out information for students.

The agency's attorney Douglas Cole requested access to the documents be immediately provided, but Mr. Clark said that won't be happening.

"We're saying we're not doing anything unless the court tells us to," he said in an interview.

ECOT is interpreting the judge's decision differently than ODE, he said. While it may have allowed the audit to move forward, there is no specification that the review can occur in a way that conflicts with a contract between the school and ODE.

The school's lawsuit argues that ODE's decision to not provide funding for students who weren't logging in at least five hours per day is out of line with an agreement that has been in place for previous audits. That contractual agreement states that the school must offer up to 920 hours of learning opportunities - not that students must partake, Mr. Clark said.

"It's just not about did you show up today, it's far more detailed than that; it's how did you get to that 920?" he said.

ODE, meanwhile, is contending that online schools are required by state law to make daily student participation records accessible, regardless of how that information is being used. Mr. Evans said in his email a statute specifying that mandate has been in place since February.

The e-school's governing board was expected to meet Friday - mostly in executive session - to discuss the lawsuit and next steps.

**Accreditation:** Antioch College this week announced it has been accredited by the Higher Learning Commission.

The independent college had spent the last two years pursuing accreditation after reopening in 2011. Originally founded in 1850, it closed in 2008 amid financial troubles and leaders have since been focused on building the historic institution back up.

President Tom Manley said in a video posted to YouTube that the university can now focus its attention on continuing to build a financial foundation and recruit students.

"This great result comes from the hard work of our faculty, our staff, students, our alumni who have been so incredibly supportive and the leadership of our board of trustees," he said. "It is a ringing endorsement of the quality and strength of the education that Antioch college can now offer, and it is a vote of confidence in our ability to offer than education for years to come."

The commission's decision is retroactive, meaning the recent graduates in the class of 2016 will receive diplomas from an accredited institution, Antioch reported.

**Standards Revisions:** Rep. Jack Cera is urging educators and the public to provide feedback on proposed revisions to English and math standards.

The Bellaire Democrat said his constituents have shared frustration with the current common core standards, known as Ohio's Learning Standards, and now is the time to recommend changes.

Through 5 p.m. Aug. 1, ODE is accepting public comments on the proposed revisions that were drafted in response to the work of a task force and an earlier public survey.

"I wanted to take the time to share this opportunity with the people of the 96th District because I have received many questions from teachers, parents and administrators about the education department's new revisions," he said. "This is a perfect opportunity for parents to get involved in the process and voice their questions, comments and concerns with those who create these standards directly."

#### **Court Briefs: Dems File Brief In 'Golden Week' Case; 1851 Center Seeks To Stop Eminent Domain For Pipeline; Judicial College Employee Honored**

The Ohio Democratic Party has thrown its weight behind an effort to ensure that unregistered voters have a small window prior to the presidential election to register and cast a ballot on the same day.

In a brief filed with U.S. Sixth District Court of Appeals, the party asks the court to uphold a lower court ruling that found the elimination of "Golden Week" to be a violation of the Voting Rights Act.

"Jon Husted and Mike DeWine continue to waste time and money in court, ignoring the Constitution and clear precedent while attempting to make it harder to vote," Ohio Democratic Party Chairman David Pepper said in a statement.

"In their appeal, Husted and DeWine blatantly disregard the fact that eliminating an additional week of early voting and same-day registration disproportionately impacted African-American voters. The Ohio Democratic Party will always fight to protect the fundamental right to vote for all eligible citizens."

In his ruling, U.S. District Court Judge Michael Watson found that the elimination of Golden Week disproportionately impacted black voters in Ohio. (See Gongwer Ohio Report, May 24, 2016)

In a separate decision, Judge Watson denied a request to stay the ruling for the November presidential election while the decision is appealed.

ODP is now accusing Secretary of State Jon Husted of failing to heed the ruling by not providing accurate information for voters about the start of early voting on his office's website.

"Jon Husted has a long history of blatantly ignoring court decisions that have rebuked his attacks on Ohioans' voting rights, and his refusal, once again, to provide accurate information about early voting is plainly designed to mislead Ohioans about their voting rights," Mr. Pepper said.

"If he won't relent and update the misleading information his office is providing, we will take action to ensure he follows the court order restoring 'Golden Week.' The Ohio Democratic Party will always fight to protect the fundamental right to vote for all eligible citizens."

Husted spokesman Josh Eck said the website won't be changed while the case is under appeal.

"The ruling was stayed for the upcoming August Special Election and is currently on appeal ahead of the November election. It would be irresponsible for the Secretary to begin advertising changes that may very well have to undergo further changes before the General Election, as they did in 2012," he said.

"Secretary Husted is committed to making sure all voters know the rules and can participate and we welcome others to join us in pursuing clarity over chaos."

**Eminent Domain:** The 1851 Center for Constitutional Law has asked the Wood County Common Pleas Court to dismiss more than a dozen eminent domain cases filed by a Texas pipeline company.

The group said in a court filing that Kinder Morgan's eminent domain action against 15 families in the Bowling Green area violates Ohio's constitution because the project for which it is seeking the land is not a "public necessity."

The land would be used for the "Utopia Pipeline," a private ethane pipeline running underground to a Canadian plastics factory.

"Imagine that a private sector lawyer desired to get to the Wood County Court of Common Pleas faster. Could he forcibly appropriate others' private land along the route, from his front door step to the court's parking lot to build a personal road, with no on-ramps or exits, and twenty foot walls on either side, just to represent one very wealthy client who anticipated routinely using his services?" the filing reads.

"If the answer is 'no,' then it must be here as well. And it is 'no,' because no such road would be a public use, even if the lawyer appealed to the public interest in 'justice' and 'market demand for lawyers.'"

Maurice Thompson, the group's executive director, said in a statement the proposed eminent domain action is "redistribution of wealth of the worst sort."

"The abuse along the Utopia Pipeline is a prime example of what can happen when legislators attempt to auction off Ohioans' property rights to the highest bidder," he said. "Ultimately, the Ohio Constitution prevents this abuse, and we will prevail in court. But statutes inviting this sort of behavior should be amended or repealed."

**Honor:** A long-time employee of the Ohio Judicial College has been nationally recognized for his work, the high court reported.

Kristopher Steele, an education program manager, received the 2016 Perkins Award from the National Association for Court Management

"It's because of employees like Kristopher that the Supreme Court has an outstanding reputation nationally," Chief Justice Maureen O'Connor said in a statement. "I have received multiple compliments about the Judicial College programs and our staff from my colleagues when attending national meetings."

"I am honored to win this award and will accept it on behalf of all the other dedicated personnel working behind the scenes at courts to help improve services to their communities," Mr. Steele said.

**Agency Briefs: AG's Office Doles Out Funding To Rape Crisis Centers; BWC; SOS; ODNR; PUCO; Senate**

Attorney General Mike DeWine on Friday announced that 29 rape crisis centers across the state will receive more than \$1.4 million in grant funding.

"We owe it to survivors of sexual assault to make sure they receive comprehensive support after an attack," AG DeWine said. "These funds will go toward helping agencies across the state to provide quality, compassionate care to those who need it."

The following 28 agencies will all receive \$45,803:

- Abuse and Rape Crisis Center of Warren County
- Alive, Inc., Steubenville
- Appleseed Community Mental Health Center, Ashland
- Cleveland Rape Crisis Center
- Compass Rape Crisis Center, Stark County
- Compass Rape Crisis Center, Tuscarawas County
- Compass Family and Community Services, Youngstown
- Council on Domestic Violence/Open Arms, Findlay
- Crime Victim Services, Lima
- Edna Brooks Foundation/My Sister's Place, Athens
- Erie County Prosecutor
- Eve, Inc., Marietta
- Haven of Hope, Cambridge
- Helpline of Delaware and Morrow Counties
- Highland County Domestic Violence Task Force
- Lake County Prosecutor
- New Directions, Mt. Vernon
- OneEighty, Wayne County

- Project Woman, Springfield
- Rape Crisis Center of Medina and Summit Counties
- Sexual Assault Response Network of Central Ohio
- The Cocoon, Bowling Green
- The Domestic Violence Shelter, Mansfield
- The Nord Center, Lorain
- Townhall II, Kent
- Tri-County Help Center, St. Clairsville
- Women Helping Women, Cincinnati
- YWCA of Northwest Ohio, Toledo

Another \$142,500 will be distributed to the Ohio Alliance to End Sexual Violence.

**BWC:** As the Bureau of Workers' Compensation transitions to prospective billing, it is asking private employers to report their actual payroll for the policy year ended June 30 and to reconcile any differences in premium paid prior to the closure of the "True-up" window on Aug. 15.

Employers will be removed from their current rating plan or discount program if it BWC does not receive a payroll true-up by the due date. Outstanding payroll true-ups will render the employer ineligible for participation in future rating plans or discount programs until all outstanding payroll true-ups are complete.

"This step is an important part of BWC's ongoing efforts to modernize operations and provide better service to Ohio's employers," BWC Administrator/CEO Sarah Morrison said in a statement. "It's also necessary for BWC to accurately calculate an employer's premium and for employers to maintain their participation in current rating plan or discount programs."

The transition, according to BWC, has allowed it to reduce base rates and offer employers more flexible payment options and the ability to better forecast their costs.

True-ups can be completed online and if done through the web qualifies eligible employers for a 1% premium rebate, up to a \$2,000 maximum.

The payroll true-up may also be completed through the call center at 1-800-644-6292.

**Secretary of State:** Jon Husted announced 8,480 new state business filings in June. The figure represents an increase over the same period on 2015, when 8,151 entities were formed.

June was again a record setting month for business filing; 4,300 more entities have filed so far in 2016 than at the same point in 2015.

New filings increased 21.8% from 2010-2015.

**Department of Natural Resources:** A total of 2,192 permits have been issued for drilling on the Utica Shale as of July 9, according to data from the Division of Oil and Gas Resources.

A total of 1,756 wells have been drilled, and 1,334 wells are in production, according to the ODNR.

The department also announced that Lt. Gov. Mary Taylor attended the opening ceremonies for the Scholastic Shooting Sports Foundation National Championship at the Cardinal Shooting Center in Marengo.

**PUCO:** The Public Utilities Commission of Ohio is remind consumers that that they may be eligible for budget billing.

The program, offered by Ohio's regulated electric and natural gas distribution companies, allows consumers to avoid spikes in billon in the summer and winter months.

**General Assembly:** Legislative staff and members of the Senate collected more than 33,000 pounds of canned food for the Mid-Ohio Foodbank.

The internal food drive also generated \$3,000 in donations, which will provide 39,500 meals to local residents.

#### **From Congress: Brown, Portman Applaud U.S. Attorney Confirmation; Kaptur Applauds Funding Awards; Gibbs; Ryan**

Ohio's senators this week applauded the confirmation of Carole Rendon as the U.S. Attorney for the Northern District of Ohio.

U.S. Sen. Sherrod Brown (D-Avon) and U.S. Sen. Rob Portman (R-Terrace Park) recommended Ms. Rendon, a former first assistant U.S. attorney, for the post last month.

"No one is more qualified to serve as U.S. Attorney for the Northern District than Carole Rendon," Sen. Brown said in a statement. "Now that she is confirmed she can continue her work on behalf of Ohioans."

Sen. Portman said, "Carole Rendon is a proud Ohioan, an accomplished lawyer, and a dedicated public servant. She has already served Ohio with distinction for seven years, and I'm pleased that she will continue as U.S. Attorney for Northern Ohio. I am grateful to my colleagues for making the right decision and confirming her nomination."

**Border:** Sen. Brown urged customs and border protection to launch an investigation into produce made using child and forced labor.

Joining with Sen. Ron Wyden (D-Ore.), he wrote to CBP Commissioner Gil Kerlikowske decrying a loophole that allows some of those products into the country if there is not a sufficient supply.

"We urge you to continue that dialogue with regular meetings between NGOs, as well as other stakeholders, and CBP, Immigration and Customs Enforcement, the State Department, and the Department of Labor and a meeting in the very near term to discuss issues related to regulations. Increased communication will lead to more successful petitions and better enforcement against forced labor imports," the senators wrote.

**Funding:** U.S. Rep. Marcy Kaptur (D-Toledo) applauded several instances of new funding awarded to her district this week.

First she welcomed news of a \$700 million retooling of Toledo's Jeep North Assembly Plant.

The project, which will equip the plant for production of the next generation of Jeep Wrangler, was announced this week by Fiat Chrysler Automobiles and promises 700 new jobs.

"This is almost beyond belief, given where we were eight short years ago," Rep. Kaptur said. "For seventy-five years Toledans have manufactured Wranglers. FCA's investment today will ensure this legacy remains for years to come."

The Cleveland Hopkins International Airport will also receive \$22.1 million in federal funds for improvements including safety upgrades and new snow removal equipment.

Lastly, Rep. Kaptur announced the award of a \$3.1 million grant to the Lorain Fire Department and the city of Lorain aimed at addressing a staffing crisis.

The funds, from FEMA's Staffing for Adequate Fire and Emergency Response program, aim to fix the fallout of the recent layoffs of 22 members of the city's fire department.

"This is obviously great news," Rep. Kaptur said. "Credit should go to the Lorain firefighters, who have actively organized in recent weeks and made their case effectively and persuasively, and to Lorain Mayor Chase Ritenauer and Lorain Fire Chief Tom Brown. Their diligence in helping to find a solution brought about this two-year solution to an immediate problem."

**Zika:** U.S. Rep. Bob Gibbs and colleagues urged President Barack Obama to expand protections against the Zika virus. The Obama Administration has opposed a resolution that would permit mosquito control programs to implement control plans without duplicative permits, Rep. Gibbs said.

"I want to know why it is acceptable for Puerto Rico to increase their defense against Zika, but not the rest of the United States?" Rep. Gibbs asked in a statement. "All Americans should be protected against the spread of Zika and I encourage the president to change his mind and allow the increased use of life-saving pesticides and give pregnant women safety from this terrible illness. If the President ends his opposition to the Conference report, Congress can take swift action to protect those most vulnerable to Zika."

An amendment on Zika from U.S. Rep. Tim Ryan (D-Niles), meanwhile, failed with a 20-29 committee vote. It would have stricken a funding cap of \$461 million on bilateral family planning and created a funding floor of \$585 million to administer anti-Zika programs.

"I am deeply disappointed that House Republicans rejected this amendment and have decided to turn their back on thousands of men and women struggling through this crisis," Rep. Ryan said.

**Abortions:** Rep. Gibbs applauded the House passage of legislation aimed at protecting health care professionals who refuse to participate in providing abortions.

The lawmaker supported the bill, saying it protects the religious freedom of those professionals.

"The House's vote today gives those willing to exercise their beliefs the option of using the court system if their employment is in jeopardy, instead of being at the mercy of a government bureaucracy," he said. "It is critical that we not only protect the unborn, but protect those whose livelihoods may be at stake for providing that protection."

**Trade:** An amendment from Rep. Ryan that would require an impact analysis on free trade agreements on wages and the demand for educator workers passed a House committee this week by voice vote.

The amendment is to a measure that would require the Bureau of Labor Statistics to submit a report on the impact of such agreements on the American workforce.

"All that you need to do is look at the shuttered factories and shattered communities across Ohio to see the devastating affect free trade agreements have had across our country," he said. "I am proud that my amendment passed and we will soon be able to know the true cost of these deals to our nation," Mr. Ryan said.

**Israel:** Sen. Portman and Sen. Claire McCaskill (D-Mo.) released a bipartisan report from the Permanent Subcommittee on Investigations examining government grants to OneVoice, which is a non-governmental organization in Israel and Palestine.

The report examines the nearly \$350,000 in grants received from the State Department to foster peace between the two countries. The report determined the NGO complied with the department's terms but shortly after the terms expired used the funds to support a political campaign.

"The State Department ignored warnings signs and funded a politically active group in a politically sensitive environment with inadequate safeguards," Sen. Portman said. "It is completely unacceptable that U.S. taxpayer dollars were used to build a political campaign infrastructure that was deployed - immediately after the grant ended - against the leader of our closest ally in the Middle East. American resources should be used to help our allies in the region, not undermine them."

**SNAP:** Rep. Ryan this week sought to push for increased digital access to the Supplemental Nutrition Assistance Program.

"If we continue on our current trajectory, we will have an adult obesity rate of 60% within 15 years," he said. "In a country, where 23.5 million people live in food deserts, we cannot allow the status quo to continue and must find new ways for all Americans to have access to fresh, healthy food."

### **Gongwer's Ohio Convention Coverage**

Gongwer News Service's planned coverage of the Republican National Convention in Cleveland next week will include regular updates to the website during the day.

Significant breaking news will be distributed through email alerts but subscribers can check the website throughout each day of the convention for updates focusing on activities of the Ohio delegation and other events.

Subscribers may also follow reporter Mikel Livingston and Gongwer on Twitter for links to those updates on our website. Mike's account is @mikellivingston and the main account is @gongwer.

### **Attorney General's Opinion**

No. 2016-023, Requested by Fairfield County Prosecuting Attorney Gregg Marx.  
SYLLABUS:

1. An emergency medical technician-basic, an emergency medical technician-intermediate, and an emergency medical technician-paramedic employed by Violet Township may provide medical services in nonemergency situations pursuant to R.C. 4765.361, so long as the medical services are performed under the direction of the emergency medical technician's medical director or cooperating physician advisory

board, are within the scope of practice of the emergency medical technician, and do not conflict with the emergency medical services described in R.C. 4765.37, R.C. 4765.38, R.C. 4765.39, and the rules adopted by the State Board of Emergency Medical, Fire, and Transportation Services.

2. An emergency medical technician-basic, an emergency medical technician-intermediate, and an emergency medical technician-paramedic employed by a township is immune from civil liability for injury, death, or loss to person or property resulting from the provision of medical services in a nonemergency situation unless the services are provided in a manner that constitutes wanton or willful misconduct, the services are manifestly outside the scope of the emergency medical technician's employment, or the services are performed with malicious purpose, in bad faith, or in a wanton or reckless manner.
3. An emergency medical technician-basic, an emergency medical technician-intermediate, and an emergency medical technician-paramedic employed by a township may not provide medical services on a routine, day-to-day basis outside the boundaries of the township when revenue from a township tax levy pays the emergency medical technician's compensation, unless the township has entered into a contract with another political subdivision pursuant to R.C. 9.60 or R.C. 505.44, or the township provides the medical services to the territory of another township or municipal corporation as a member of a joint fire district pursuant to R.C. 505.371, a fire and ambulance district pursuant to R.C. 505.375, or a joint ambulance district pursuant to R.C. 505.71.
4. A board of township trustees may establish reasonable charges for the use of medical services that are provided by an emergency medical technician-basic, an emergency medical technician-intermediate, and an emergency medical technician-paramedic employed by the township in nonemergency situations and may collect those charges from a private hospital system that agrees to pay those charges on behalf of the recipient of the medical services.
5. A board of township trustees may contract with a private hospital system to provide medical services in nonemergency situations by an emergency medical technician-basic, an emergency medical technician-intermediate, and an emergency medical technician-paramedic employed by the township to patients of the hospital who are residents and nonresidents of the township, so long as the private hospital system is a nonprofit corporation and the medical services are performed within the territory of the township.
6. A contract between the Violet Township Board of Trustees and a private hospital system for the provision of medical services in nonemergency situations may provide that the private hospital system will pay the township a sum of money for each visit performed by an emergency medical technician-basic, an emergency medical technician-intermediate, and an emergency medical technician-paramedic pursuant to the contract and that emergency medical technicians will provide medical services in nonemergency situations during the emergency medical technicians' regular work hours.

**Supplemental Agency Calendar****Wednesday, July 20****Rail Development Commission, 1980 West Broad Street, Rm. GA, Columbus, 11 a.m.****State Board of Education, 25 S. Front St., Columbus, 3 p.m. (Dropout Prevention and Recovery Study Committee)****Thursday, July 21****Board of Building Standards, Division of Industrial Compliance, 6606 Tussing Road, Training Room 1, Reynoldsburg, 9 a.m. (Code Committee)****Cemetery Dispute Resolution Commission, Division of Real Estate and Professional Licensing, 77 South High Street, 22nd Floor, Columbus, 10 a.m.****Supplemental Event Planner****Saturday, July 16****Gov. John Kasich to speak at 107th NAACP Convention, Duke Energy Convention Center, Hall A, 525 Elm St., Cincinnati, 6:30 p.m.****Wednesday, July 27****Beginning of Ohio State Fair****Sunday, August 7****End of Ohio State Fair****Sunday, October 2****Sen. Bob Peterson (R-Sabina) fall fest fundraiser, Peterson Farm, 5564 Grassy Branch Rd., Sabina, 4 p.m., (\$50 per Family | \$25 per Person to Peterson for Good Government)****Thursday, October 20****Sen. Bill Beagle (R-Tipp City) shooting fundraiser, Vandalia Range and Armory, 100 Corp Center Drive, Vandalia, 5:30 p.m., (\$1000 Event Sponsor, includes up to 6 participants; \$500 Lane Sponsor, includes up to 4 participants; \$150 per couple | \$100 per person | \$50 Dinner only to Citizens for Bill Beagle)****17 S. High St., Suite 630****Columbus Ohio 43215****Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)****Scott Miller, President | Alan Miller, Vice President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers****Click the # after a bill number to create a saved search and email alert for that bill.****© 2016, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101).**

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## **Daily Activity Planner for Saturday, July 16-Monday, July 18**

### **Legislative Committees**

No legislative committees scheduled.

### **Agency Calendar**

No agency meetings scheduled.

### **Event Planner**

#### **Saturday, July 16**

**Ohio Legislative Black Caucus 2016 convention luncheon, Westin, 21 E. Fifth St., Cincinnati, 11:30 a.m., (Featuring U.S. Rep. Sheila Jackson Lee)**

**Gov. John Kasich to speak at 107th NAACP Convention, Duke Energy Convention Center, Hall A, 525 Elm St., Cincinnati, 6:30 p.m.**

**Ohio Legislative Black Caucus 2016 convention dinner gala, Duke Energy Center, Cincinnati, 7:30 p.m., (Featuring Vernon Jordan)**

#### **Monday, July 18**

### **Republican National Convention, Cleveland**

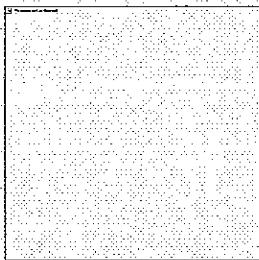
17 S. High St., Suite 630  
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

Scott Miller, President | Alan Miller, Vice President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

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**From:** The Buckeye Institute  
**Sent:** Sunday, July 17, 2016 2:29 PM  
**To:** Rep93  
**Subject:** Criminal intent should matter...even if you're Hillary



## In the News

Dear Friends,

As you wrap up your weekend, I wanted to send you my column in Friday's *Columbus Dispatch* on why Hillary Clinton should have been prosecuted over her handling of top-secret government emails.

Ohio provides a good lesson for both the FBI director and former secretary of state on what it means to follow the clear intent of the law. As I wrote in *The Dispatch*:

FBI Director James Comey's rationale for not prosecuting Hillary Clinton over her private storage of top-secret emails represents a dismissal of the law rather than the enforcement of it.

Traditionally, to convict someone of a crime, a prosecutor must show two things: that the accused committed a guilty act and that they did so with a guilty mind (or with criminal intent).

Legislatures should always consider the appropriate intent standard for crimes it promulgates so that only the intended acts and actors are punished. Ohioans get this. That is why The Buckeye Institute led the way for -- and state policymakers adopted -- the first and best criminal intent reform in the nation.

You can read the full story on *The Dispatch*'s website by [clicking here](#).

I hope you enjoy it, and will [continue supporting The Buckeye Institute's work](#) to ensure that, at least in Ohio, we are governed by the rule of law.

Best,

Daniel J. Dew  
*Criminal Justice Fellow*  
**The Buckeye Institute**  
88 East Broad Street, Suite 1120 | Columbus, Ohio 43215  
(614) 224-4422 | [BuckeyeInstitute.org](http://BuckeyeInstitute.org)

# # #

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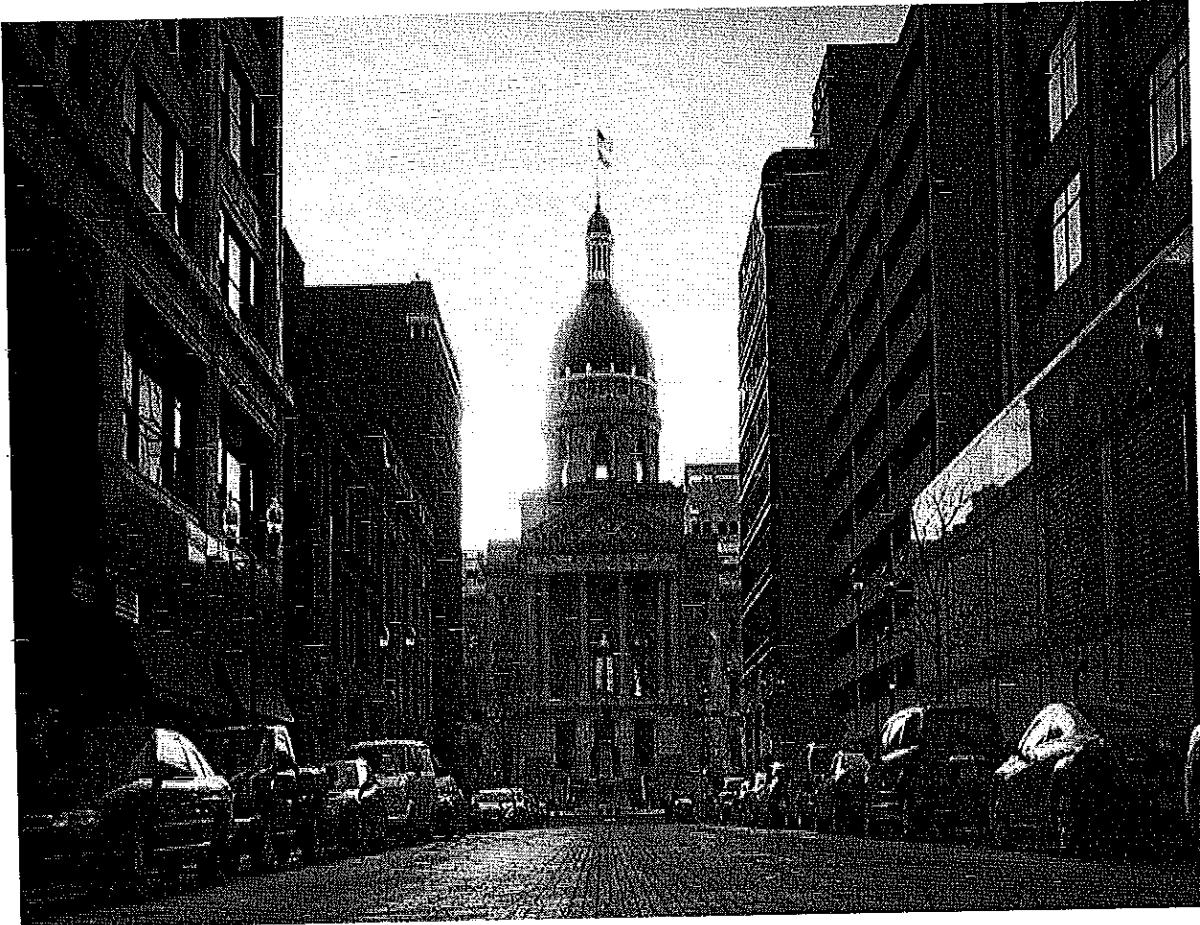
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Sent by [info@buckeyeinstitute.org](mailto:info@buckeyeinstitute.org)

Join CER in Indianapolis for a forum with Gov. Mike Pence, Sen. Tim Scott, and other heroes of education reform.

No Images? [Click here](#)

## You're Invited!



### **KEMP FORUM ON EXPANDING OPPORTUNITY Upward Mobility Through Education**

**July 27, 2016 | 6:45 - 8:30 PM**

**NCAA Hall of Champions**

**700 W. Washington St.**

**Indianapolis, IN 46204**

We are pleased to share that United States Senator Tim Scott will be moderating the Kemp Forum on Expanding Opportunity, featuring **vice presidential running-mate and Indiana Governor Mike Pence**, incoming American Legislative Exchange Council (ALEC) Chair and Wisconsin State Senator Leah Vukmir, Charter Schools USA Director of Community Relations Jacqueline Burroughs, the Center for Neighborhood Enterprise President Bob Woodson, Jack Kemp Foundation President Jimmy Kemp, and The Center for Education Reform Founder and CEO Jeanne Allen.

Hosted during ALEC's annual meeting in The Hoosier State, the Kemp Forum on Expanding Opportunity is a project of the Center for Education Reform and the Jack Kemp Foundation, focused on upward mobility through education.

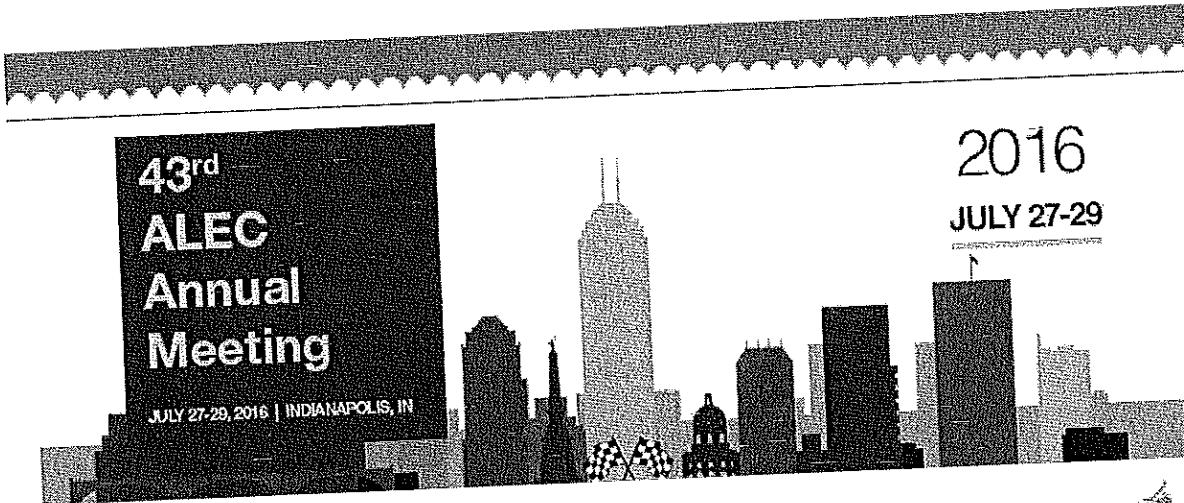
Dessert and cocktails will be served.

Please RSVP as soon as possible as space is limited.

*As a non-partisan, non-profit organization dedicated to great opportunities for all children, students and families, The Center for Education Reform does not endorse candidates or take political positions, but we will always recognize and applaud when someone takes a step to advance sound education policies.*

[Unsubscribe](#)

**From:** Courtney Cook  
**Sent:** Wednesday, July 20, 2016 7:15 PM  
**To:** Rep93  
**Subject:** Check Out The Exciting Things Happening at Annual Meeting!



### Check Out Some of Our Great Speakers!

Governor Mike Pence  
Former Governor Rick Perry  
William J. Bennett  
Alfredo Ortiz  
Indianapolis Chief of Police Troy Riggs  
Rebecca Friedrichs  
Congressman Bill Flores

### Save Some Time, Register Now!

The 2016 Annual Meeting is right around the corner, and we look forward to seeing you there! Lines can get long when trying to register onsite, so register now and beat the crowds when you check-in.

Call 571.482.5026 and have your credit card ready to register over the phone or click the button below to register online.

>> REGISTER NOW

**Federalism, Intellectual Property & National Security**  
**Subcommittee Meeting – ALL Annual Meeting**  
**Registrants Are Welcome!**

Wednesday, July 27, 2016  
8:00AM-11:00AM

Discover what you can do about what former Chairman of the Joint Chiefs of Staff, Admiral Michael Mullen described as “the most significant threat to our national Security” – America’s \$19 trillion and growing national debt. Join the conversation on the boycott, divestment and sanctions movement against Israel and hear about Utah’s new federalism curriculum to ensure that select state officials clearly understand state sovereignty. Complimentary copies of the newest edition of the ALEC Article V Handbook will be available.

**Kemp Forum on  
Expanding  
Opportunity: A  
project of the  
Center for  
Education Reform  
& the Jack Kemp  
Foundation**

After this year's opening reception ALEC will feature a special Kemp Forum on Expanding Opportunity. Led by CER founder Jeanne Allen and JKJF president Jimmy Kemp, this event will feature Indiana Governor Mike Pence and Incoming ALEC Chair, Wisconsin State Senator Leah Vukmir, and U.S. Senator Tim Scott.

To attend any of  
these events,  
please send a  
RSVP to Giovanna  
Coia at  
gcoia@alec.org

**Friedman  
Foundation for  
Educational Choice  
Reception**

Guests will enjoy hors d'oeuvres and cocktails while exploring an exhibit on the history of the Friedman Foundation and school choice in America. Also, guest will hear from special guests David Friedman and Overstock CEO and Friedman Foundation Board Chair Patrick Byrne.

We'll raise a glass to the past while we enter this next chapter. Our guests will be ushered in to experience our new name and brand and be the first to get a shirt and swag with our new logo.

Today, a partnership between Center for Education Reform (CER) and the Jack Kemp Foundation (JKF) is enabling a new generation to actualize the Kemp vision on expanding opportunity through education. We hope you will join us.

### Camp Atterbury Tour

Please join us in learning about Camp Atterbury's storied heritage and modern state-of-the-art training systems.

You will get to experience a variety of events such as:

- Familiarization firing of various handguns and rifles on a military range
- Tours of the Camp Atterbury Installation
- Participate in indoor virtual firing and convoy military simulation

**Check out these events and others on our updated agenda here!**

### A Majority That Matters Reception

The Club for Growth is a national network of more than 100,000 Americans who share in the belief that prosperity and opportunity come from economic freedom. As the leading free-enterprise advocacy group focused on the U.S. Congress, the Club for Growth wins tough battles by putting principled economic policy first.

Also, visit us in our hospitality suite Thursday through Friday of the meeting from 10:00AM - 5:00PM.

If you are thinking about running for higher office or want to learn more about the Club's mission, please stop by and meet our team of experts.

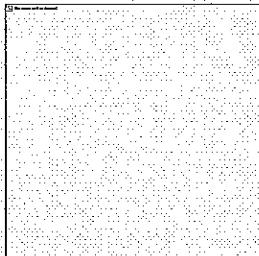
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Email us!**



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**From:** The Buckeye Institute  
**Sent:** Thursday, July 21, 2016 1:52 PM  
**To:** Rep93  
**Subject:** From Cleveland to Washington



## In the News

While the nation's eyes are on Ohio, The Buckeye Institute is making sure policymakers are staying focused on free-market reforms and good governance.

Buckeye's president and CEO, Robert Alt, and senior policy analyst, Greg Lawson, made state and national news this week for their efforts to promote Obamacare reforms, government transparency, and sensible criminal justice policies. Click the links below for the full stories:

*Washington Examiner*

**Here's what happened at Grover Norquist's private RNC meeting**

[Click here for the story.](#)

*The Columbus Dispatch*

**Worthington to ask residents to vote on pay for council members**

[Click here for the article.](#)

*The Toledo Blade*

**Some Republicans push criminal-justice reform in Cleveland**

[Click here for the story.](#)

Buckeye's prominent mentions at the local, state, and national levels are a testament to the power of our ideas, to the scope of our work, and to the impact that we are having. As all eyes continue to be on Ohio, we will make sure that free-market solutions are front and center as well. Thank you again for your support, which makes all of our successes possible.

# # #

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**From:** The Buckeye Institute  
**Sent:** Friday, July 22, 2016 9:46 AM  
**To:** Rep93  
**Subject:** Ohio economy stalls, latest jobs report shows

## Buckeye Institute News Alert

Contact: Jeff Reed  
Director of Communications  
The Buckeye Institute  
614-224-4422  
jeff@buckeyeinstitute.org

FOR IMMEDIATE RELEASE  
Friday, July 22, 2016

### **Ohio economy stalls in June, Buckeye Institute expert concerned by state government job growth**

COLUMBUS -- The number of people entering Ohio's workforce fell for the first time in eight months, according to today's June jobs report. A policy analyst at The Buckeye Institute says policymakers should be concerned when the most job gains came from state government.

Although Ohio's unemployment rate dropped slightly to 5.0 percent from 5.1 percent in May, the Ohio Department of Job and Family Services' June report showed, The Buckeye Institute's Joe Nichols said that is a result of labor force participation dropping to 63.4 percent from 63.6 percent -- meaning fewer Ohioans were looking for work in June.

"After a recent surge of Ohioans into the job market, it appears new job seekers are waiting for more opportunities to become available," Nichols said. "When state government is the leader in

new jobs, that is a bad sign that Ohio's real economic engine -- private sector employers -- has stalled."

The number of jobs state government added in June was +4,100. Mining and logging (-300) and real estate (-2,000) suffered the most severe job losses.

Ohio still outpaces the national average in labor force participation of 62.7 percent. Labor force participation comprises non-institutionalized Ohioans between the ages of 16 and 65. Nichols said that Ohio's pro-economic policies have contributed to that growth over the past eight months and can do so in the future.

"Ohio's recently announced \$1.1 billion budget gap shows how serious it is that we get our economy up to full speed," Nichols said. "State leaders will need to consider policies that fill the budget hole but not at the expense of Ohioans trying to find work and employers who want to create new jobs."

The Buckeye Institute analyzes Ohio's unemployment rate to identify policy solutions for increasing job opportunities and strengthening the state economy.

# # #

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**From:** Nick Dranias  
**Sent:** Sunday, July 24, 2016 8:50 AM  
**To:** Rep93  
**Subject:** Bring Back the American Dream - Introducing the Prosperity Zone Compact



Dear State Representative Smith:

Compact for America Educational Foundation has joined forces with Federalism in Action and NeWAY Foundation to advance the "Restore Prosperity Now!" project. This is an entirely new effort for us—but one that has been road-tested in significant ways before getting underway. It is not an Article V effort—but it packs as big a punch if just two states join the effort. So what is it?

Find out by reading Compact for America Policy Brief No. 10:

**The Prosperity Zone Compact:**  
**Leveraging the Power and Promise of Interstate Compacts to Bring Back the American Dream**

This brief explains why using an interstate compact to create a framework for citizens to press a "reset button" for activist government public policy in their local community is both constitutional and uniquely powerful.

Future briefs authored by Dr. Adrian Moore (Reason Foundation), J. Scott Moody (Federalism in Action), Sam Batkins (American Action Forum), Dr. Byron Schlomach (1889 Institute), Dean Clancy (fmr. Vice President of Policy, FreedomWorks) and others will explain why the establishment of Prosperity Zones will result in **explosive economic growth, flourishing communities, and dominant international competitiveness** for the United States as a whole.

With Federalism in Action and NeWAY Foundation, and a growing coalition of equals, we will be launching an educational campaign in five states and Washington, DC in the near future.

We are also hosting a workshop at ALEC on Thursday, July 28 at 11:00 a.m. to further explain the merits of this incredibly powerful and innovative effort. Please join me and Steve Moore (CFAEF National Spokesman/Heritage Foundation), Dr. Adrian Moore (Reason Foundation), Sam Watkins (American Action Forum), Erick Brimen (NeWAY Foundation), and Speaker Pro Tem Greg Snowden (MS) at Restore Prosperity Now!

And if you miss us at ALEC, please consider visiting our booth at NCSL (booth 205) in Chicago and stay tuned for details on our workshop/breakfast at SPN in Nashville.

The goal of the project is to create the legal framework for shining examples of free market public policy with which we can contrast the standard activist government model.

Our team firmly believes that if we create easily formed and expandable "West Berlins" or "Hong Kongs" with which to contrast the "East Berlin" and "Mainland China" models that surround them, then Jeffersonian principles will prevail even amongst the least ideologically-motivated of our fellow-citizens.

We will show the country what real prosperity, abundance and opportunity looks like.

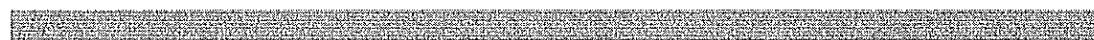
You can read more about the effort and research that has gone into it here.

Your generous support makes innovative reform campaigns like this possible. Please invest in Keeping the Republic today!

Very truly yours,



Nick Dranias  
President & Executive Director  
Compact for America Educational Foundation, Inc.



[NeWayFoundation.org](http://NeWayFoundation.org)



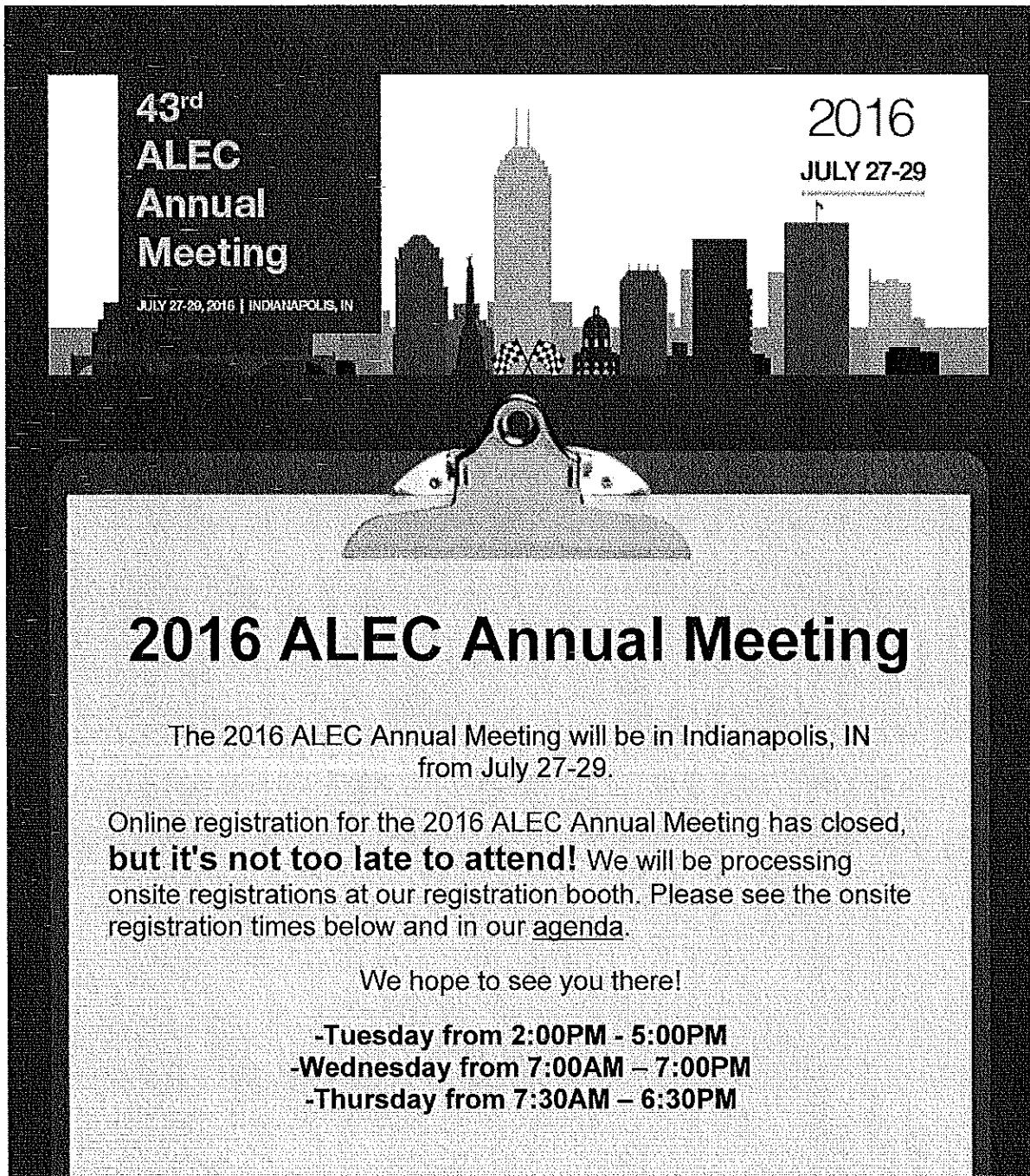
[CompactForAmerica.org](http://CompactForAmerica.org)



[FederalismInAction.com](http://FederalismInAction.com)



**From:** Courtney Cook  
**Sent:** Sunday, July 24, 2016 1:51 PM  
**To:** Rep93  
**Subject:** It's Not Too Late!



**-Friday from 7:30AM – 6:00PM**



**Agenda News!**

**Come listen in on these great ...**

**Workshops**

**Task Force Meetings**

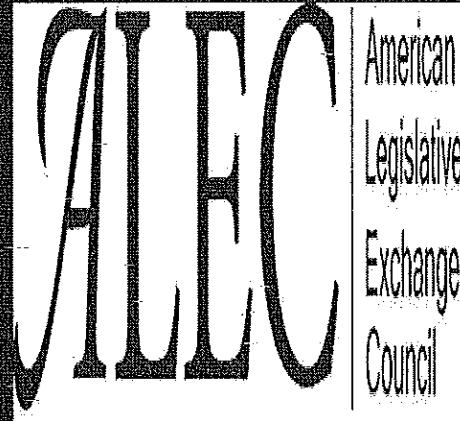
**And more!**

**Kemp Forum on Expanding Opportunity: A project of the Center  
for Education Reform & the Jack Kemp Foundation**

After this year's opening reception ALEC will feature a special Kemp Forum on Expanding Opportunity. Led by CER founder Jeanne Allen and JFK president Jimmy Kemp, this event will feature Vice Presidential Nominee and Indiana Governor Mike Pence, ALEC National Chair and Wisconsin State Senator Leah Vukmir, U.S. Senator Tim Scott and many more.

**You will not want to miss this!**

[Email us!](#)



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**From:** Heartland Institute: The Government Relations Team  
**Sent:** Thursday, July 28, 2016 3:02 PM  
**To:** Rep93  
**Subject:** The Leaflet - Free-Market Allies Celebrate Milton Friedman's Legacy



## Free-Market Allies Celebrate Milton Friedman's Legacy

Millions of families have benefitted from Milton Friedman's legacy and his vision of school choice being available to every American child. On July 21, free-market allies will celebrate educational choice on what would have been Friedman's 104th birthday!

Robert C. Enlow, president and CEO of the Friedman Foundation for Educational Choice, recently celebrated Friedman's passion for educational choice, calling it the fairest and most effective way to provide education. "The Friedmans' interest in improving the American education system began in 1955. By 1996, the Friedman Foundation for Educational Choice was born, and now, more than half of the U.S. offers families school choice programs."

Free-market organizations advocating for school choice are the heirs to Friedman's legacy, and many of these groups, including The Heartland Institute, will celebrate the life and work of Friedman this week.

The Mackinac Center for Public Policy and Northwood University Forum for Citizenship and Enterprise will celebrate Friedman at their 10th Annual Milton Friedman Legacy Day, which will be held on Friday, July 29 at 11:30 a.m. in Midland, MI.

Missouri's Show-Me Institute will celebrate the work of Friedman and the diverse set of educational options that exist in St. Louis by hosting its Friedman Legacy Day Event, keynoted by James Shuls, the distinguished fellow of education policy, on Friday, July 29 at noon.

The Texas Public Policy Foundation will honor Milton Friedman Legacy Day by hosting a birthday celebration for the renowned free-market economist on Thursday, July 28 at 3:30 p.m. The event will offer games, prizes, and ice cream, which will be enjoyed as attendees remember Friedman's life and his lasting impact on today's economy.

On Friday, July 29 at noon, the Arizona chapter of Americans for Prosperity will host a Milton Friedman Legacy Day luncheon in Tucson "to discuss the future of school choice and education reform, and to celebrate the birthday of the late economist Milton Friedman." Max Eden, a senior fellow at the Manhattan Institute, will speak at the event.

If you are in Indianapolis for the American Legislative Exchange Council's event, please don't miss the Friedman Foundation ceremony on Friday, July 29.

In addition to all the festivities taking place across the nation, the Friedman Foundation has a big announcement scheduled for Friday, July 29. At its [Friedman Legacy Day](#), the board of directors and staff leadership at the Friedman Foundation will announce a new name and strategic plan for the organization "that will keep their vision of universal school choice at the forefront of the school choice movement." 2 Staff from The Heartland Institute will attend this exciting event to celebrate Friedman's life and legacy.

## WHAT WE'RE WORKING ON

### Don't Miss the Premiere of *A Billion Lives*!

After a successful international film festival run, the award-winning documentary *A Billion Lives* will have its red-carpet North American premiere at the historic Pabst Theater in Milwaukee, Wisconsin. Please join The Heartland Institute on Saturday, August 6 for a special showing of this important film. General admission [tickets start at only \\$20](#), and doors open at 7:00 p.m. For more information, visit [A Billion Lives website](#).

### Budget & Tax

#### [Research & Commentary: Economic Development Programs](#)

#### [Rarely Work, New York's START-UP Is Latest Example](#)

New York's multimillion-dollar signature economic development plan, START-UP, was recently reported to have created only 408 jobs in its first two years, far below the numbers initially predicted by START-UP proponents. In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines START-UP and how it could serve as a cautionary tale for other states. "State tax incentives often fail to live up to their promises to encourage economic growth and are usually given for business and industries with the most political clout. Lawmakers should avoid complicating the tax code by creating new tax credits and exemptions and instead focus on attracting business by simplifying and lowering marginal tax rates," wrote Glans. [Read more](#)

### Education

#### [ACLU Appeals Nevada Judge's Ruling Upholding ESA](#)

Nevada ranks 49th in studies examining student achievement, but that hasn't stopped the American Civil Liberties Union from opposing school choice by appealing a Las Vegas judge's ruling determining the state's education savings accounts (ESA) program to be constitutional. ESAs allow parents to customize their children's education by empowering them with the ability to use public funds on a wide variety of



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December 15-17, 2016

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educational goods or services. Government Relations Intern Tori Hart reports in a recent *Heartlander* article how the state's ESA program works to improve education. "Ninety-six percent of K-12 students in Nevada are eligible for the state's ESA program, which allows parents to transfer their students out of public schools and have access to all or a portion of the state money that would have been spent on their child in public school to spend on their choice of educational services, such as private school tuition, textbooks, or tutoring." [Read more](#)

#### Energy & Environment

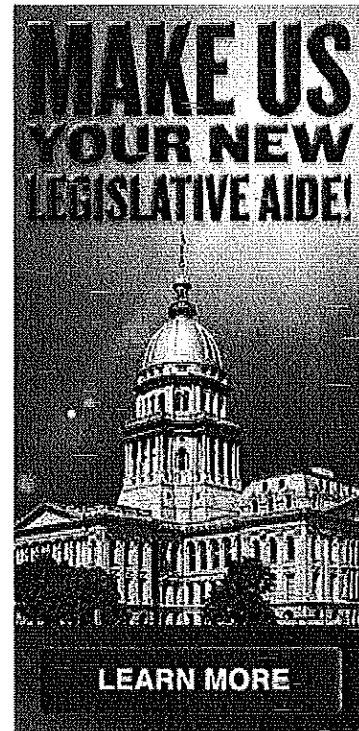
##### [Wisconsin Department of Natural Resources Draft Comprehensive Study Finds Frac Sand Mining Environmentally Sound](#)

A draft report of a strategic analysis of the mining of industrial silica sand, also called "frac sand," was released in June 2016 by the Wisconsin Department of Natural Resources (DNR). The study found the process used to mine frac sand is safe for the environment and for people. The DNR report also provides "factual information about the industry and typical operations, as well as about air quality, water quality, wetlands, groundwater, wildlife, endangered resources, and socio-economics." In this *Research & Commentary*, Policy Analyst Tim Benson argues frac sand mining is not a threat to tourism, scenic beauty, or property values. "The DNR strategic analysis, in a blow to anti-frac-sand groups, found no elevated levels of particulate matter in the air near mining sites," wrote Benson. [Read more](#)

#### Health Care

##### [Research & Commentary: Massachusetts Is Latest State to Consider Single-Payer Health Care](#)

Massachusetts lawmakers are now considering two bills that would make Massachusetts the first state to institute a statewide single-payer health care system, which would be called MassCare. In this *Research & Commentary*, Senior Policy Analyst Matthew Glans discusses the many problems that would be created by a single-payer system and warns legislators against moving in that direction. "Single-payer systems face major obstacles that make implementation difficult, if not impossible. MassCare's proponents have greatly underestimated the costs of implementing and maintaining a single-payer health insurance system and the effects it would have on individual patients and the health care market," [Read more](#)



#### POLICY NEWSPAPER



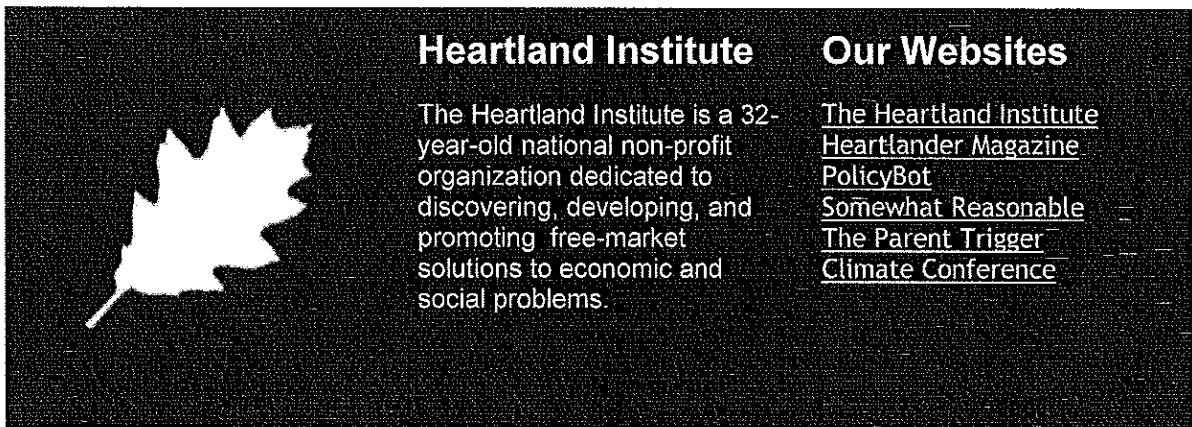
The July issue of *Budget & Tax News* reports Tennessee Gov. Bill Haslam signed a measure repealing the state's Hall tax on interest and investment dividends, the state's only tax on an individual's income. The measure phases out the tax over five years. Justin Owen, president of the Beacon Center of Tennessee, expects the repeal to be good for the state's economy, noting,

“We have talked to numerous investors and job creators who have moved out of Tennessee because of the Hall tax. By eliminating it, we hope to bring those Tennesseans home, while also encouraging others to move into our state.”

[Environment & Climate News](#)

[Health Care News](#)

[School Reform News](#)



**Heartland Institute**

The Heartland Institute is a 32-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.

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**From:** The Buckeye Institute  
**Sent:** Friday, July 29, 2016 12:59 PM  
**To:** Rep93  
**Subject:** Come fly with me, but only if you have an FAA Part 119 certificate

## Buckeye Institute News Alert

Contact: Jeff Reed  
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FOR IMMEDIATE RELEASE  
Friday, July 29, 2016

### Buckeye to U.S. Supreme Court: Why are Europe's skies freer than America's skies?

COLUMBUS -- Pilots have more freedom to "Uber up in the air" in Europe than they do in America because of a 2015 order by the Federal Aviation Administration (FAA). Today, The Buckeye Institute's Legal Center urged the Supreme Court of the United States to reverse the FAA's backward interpretation of the law and unleash the potential of the sharing economy.

For decades, the FAA's "Expense-Sharing Rule" allowed private airplane pilots to post their flight plans on bulletin boards, enabling passengers to join their flights by sharing fuel costs. When Flytenow, Inc. put that practice online, the FAA deemed it illegal, which the U.S. Court of Appeals for the D.C. Circuit upheld by deferring to the agency. Buckeye's legal brief challenges that ruling.

"Being home to the Wright brothers, we're proud to represent Ohio at the U.S. Supreme Court and bring American flight into the 21st century," Robert Alt, president and CEO of The Buckeye

Institute, said. "If Europeans can have 'Uber up in the air' so, too, should Americans benefit from such cost-sharing services."

In Flytenow, Inc. v. Federal Aviation Administration, The Buckeye Institute's brief argues that the FAA's order is arbitrary, antiquated, and inconsistent with its longstanding "Expense-Sharing Rule" for non-commercial flights.

"Why should pilots be able to speak on index cards but not on the internet?" Alt asked. "The only place this kind of rule makes sense is in a federal agency."

Flytenow, Inc. has discontinued its operations since the Court of Appeals' ruling. The U.S. Supreme Court will decide whether to take the case after it reconvenes in October.

# # #

Founded in 1989, The Buckeye Institute is an independent research and educational institution -- a think tank -- whose mission is to advance free-market public policy in the states.

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Sent by [jeff@buckeyeinstitute.org](mailto:jeff@buckeyeinstitute.org)

**From:** Gongwer News Service  
**Sent:** Monday, August 1, 2016 5:40 PM  
**To:** Rep93  
**Subject:** Ohio Report, Monday, August 1, 2016  
**Attachments:** Aug1.htm; Aug1House.htm; Aug1Senate.htm; 160801dayplan.htm



## **Ohio Report for Monday, August 1, 2016**

Following JCARR Discussion, Dietitians, ODA To Continue Talks On Senior Food Programs

State Still Seeking Lethal Drugs With Next Execution Set For January; Lawmakers Look To Alternatives

Trump, Clinton At Odds During Columbus Campaign Stops

GOP Lawmakers Tout Model Suicide Prevention Legislation, Contemplate Charter School Industry Structures At ALEC Event

Husted Urging Changes In Special Election Laws

LPO Plans Appeal After Latest Setback In Ballot Access Case

Ethics Commission: Former Columbus Council Members Should Pay For Attendance At 2014 Game

Education Notes: ODE Seeking Career-Focused Education Grant; Chancellor Carey Plans UA Visit; OSU Police Department Recognized

Gongwer Statehouse Job Market Updated

Supplemental Agency Calendar

Supplemental Event Planner

## **Activity Reports**

House

Senate

## **Calendars**

Day Planner

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## Volume #85, Report #147 -- Monday, August 1, 2016

### Following JCARR Discussion, Dietitians, ODA To Continue Talks On Senior Food Programs

Dietitians argued Monday that current and pending administrative rules could impair nutrient adequacy and lack adequate food safety guidelines for senior citizens.

Representatives of the Ohio Academy of Nutrition and Dietetics told the Joint Committee on Agency Rule and Review their concerns have not been completely addressed by rule changes put forth by the Department of Aging. (Agenda)

At the same time, they thanked the department for taking their feedback into account, even if all their proposed changes were not adopted during the rulemaking process.

"We're not going to let this go," OAND State Policy Representative Pat McKnight said. "We'll meet with the department and go over these (issues) but we just wanted to make you all aware this issue is not solved."

In the end, JCARR members did not act on the rule, which allows it to proceed toward implementation.

Following a "productive" meeting with the department last week, interested parties are next scheduled to meet in six months to continue the discussion, Ms. McKnight said. But at the urging of Rep. Cheryl Grossman (R-Grove City), ODA Policy Development Manager Tom Simmons said the department would be agreeable to moving that meeting up to take place within two months.

The testimony came in response to a rule package including 19 proposed rules and 18 other rules to be rescinded pertaining to nutrition programs under the Older Americans Act. The rules would pertain to AAA providers, which include local area aging agencies.

Specifically, the groups are concerned with Rule 173-4-5 and Rule 173-4-5.2, which establish general requirements for nutrition projects and home-delivered meal projects respectively.

Part of the concern centers on the one-third federal dietary reference intake for meals, which requires a minimum of one-third of one's meals provided through OAA funding meet nutritional requirements. Ms. McKnight said the new rule along with existing federal law does not provide enough information to ensure the one-third requirement is met. She said it also prohibits the use of leader nutrients, which dietitians had formerly used as a workaround to meet those requirements.

"It's not that the dietitian wouldn't want to do it," she said of compliance. "There is no way he or she could do it because the data's simply not available."

Ms. McKnight also contended that the new rules include no standards for non-therapeutic menus - healthy diets not tailored to a specific patient. More providers, she said, are using such menus to cut down on their clients' intake of carbs or sodium. And she questioned the department's claim that it has no ability to develop or enforce food safety standards for such providers.

Mr. Simmons said the department lacks jurisdiction in modifying the federal OAA. But he said the department is committed to having an ongoing dialogue with stakeholders.

"The number one goal of our entire project is to remove the overbearing regulation within these rules and with that make it easier to do business," Mr. Simmons said.

OAND State Regulatory Specialist Kay Mavko said the group plans to continue to engage the department and lawmakers on these issues.

"We are committed to working on this," Ms. Mavko said. "We don't want to let it go. We realize the department is limited in what it has the authority to do and what the rulemaking process allows it to do, but we still have some concerns."

#### **State Still Seeking Lethal Drugs With Next Execution Set For January; Lawmakers Look To Alternatives**

Ohio's next scheduled execution is now less than six months away, yet the state hasn't been able to obtain at least one drug typically used in the lethal injection process since 2013.

The state is still trying to acquire drugs used to carry out executions, according to JoEllen Smith, a spokeswoman for the Department of Rehabilitation and Corrections.

"DRC continues to seek all legal means to obtain the drugs necessary to carry out court ordered executions," she said. "This process has included multiple options."

Without the drugs necessary, the state could be forced to again delay the execution of Ronald Phillips, who was convicted of the 1993 murder of a 3-year-old girl. He is one of 26 people scheduled to be executed by the state in the coming years.

Mr. Phillips has had several execution dates, the most recent of which was Jan. 21, 2016. He had a 2014 execution date that was delayed after the botched execution of Dennis McGuire, who gasped for air at times over a 25-minute process carried out for the first time in Ohio with a two-drug cocktail.

That concoction - a mixture of midazolam, a sedative, and hydromorphone, a narcotic painkiller - was used for the first time because in the fall of 2013 European

pharmaceutical companies blocked the sale of pentobarbital, which was previously used in the lethal injection process.

In the wake of Mr. McGuire's execution - which the state said caused no pain - a federal judge in May 2014 issued a moratorium on the death penalty in Ohio, which was later extended until Jan 15, 2015.

Shortly before the moratorium expired, the state announced that it would abandon the use of the two-drug mixture and instead use thiopental sodium, which was utilized in executions from 1999 to 2011.

However, in October, the state announced that it was again delaying all executions, with 2017 as the earliest date. (See Gongwer Ohio Report, October 20, 2015)

Gov. John Kasich also signed legislation (HB663, 130<sup>th</sup> General Assembly) in December 2014 to shield the identities of execution-drug makers.

Sen. Bill Coley (R-Liberty Twp.) laid blame for the state's inability to secure the drugs necessary to carry out an execution at the feet of the administration of President Barack Obama.

"The Obama administration chooses not to enforce marijuana laws, which then lead to states legalizing medical marijuana," he said. "Strangely enough they go beyond what they are authorized to do relative to execution drugs."

Nonetheless, he expressed hope that once a new administration takes office on Jan. 20, it will make it easier to secure drugs necessary to carry out executions.

Current state law allows for executions to be carried out only through lethal injection. However, one panel led by Sen. Coley is exploring alternate forms of execution.

The Joint Legislative Study Committee on Victims' Rights in March heard testimony from Matt Kanai, general counsel for the law enforcement division in the attorney general's office, on ways other states are dealing with the lack of lethal injection drugs. (See Gongwer Ohio Report, March 10, 2016)

Sen. Coley said he is intrigued by nitrogen hypoxia as a form of execution, which Oklahoma has recently added as an option to carry out the death penalty.

He said the death would be similar to that caused by a decompressed plane cabin and added he believes it would not be deemed cruel or unusual by the courts. However, he said he would prefer to let the issue work its way through the justice system, which could take two to four years, before moving forward with it as a form of execution in Ohio.

The abolishment of the death penalty, though, is not on the table for Sen. Coley.

"The one great thing about the death penalty is there is zero recidivism," he said. "There are truly evil people in this world and it's our duty to eradicate them from the face of the planet. The death penalty has been an effective tool to that end."

However, Abe Bonowitz, communications director of Ohioans to Stop Executions, said the state should follow the lead of others and abolish the death penalty.

"We have a system that is blatantly unfair and has all kinds of issues with it," he said.

"The trends with the death penalty are away from it across the country and in Ohio fewer counties are using it," he added.

As for Mr. Phillips' scheduled execution, Sen. Coley said he's been led to believe that it can still be carried out.

"From everything that I've heard from the director, right now they believe it can be," he said. "They still have time."

### **Trump, Clinton At Odds During Columbus Campaign Stops**

Donald Trump began his Columbus appearance Monday by blasting a local fire marshal for turning away "thousands" of his supporters for political reasons.

Before taking the stage at the Greater Columbus Convention Center, Mr. Trump made a brief surprise appearance to media gathered outside the room, according to various reports.

There he claimed there were thousands of people outside until they were turned away "for political reasons" by the fire marshal. Several media reports placed the number closer to hundreds.

"So we have a thousand people in there," Mr. Trump said, according to video. "The fire marshal said he's not allowed to allow any more, even though the building holds many thousands of people, so I just want to tell you that."

The perceived slight was the first thing Mr. Trump mentioned upon taking the mic. From there, he segued into terrorism, the border, trade, and his desire to see a ballroom constructed at the White House.

His appearance came one day after Democratic nominee Hillary Clinton and her VP pick Sen. Tim Kaine appeared in Columbus, where Ms. Clinton labeled Mr. Trump "a serious threat to our democracy."

With the event billed as a town hall, Mr. Trump fielded three questions on topics including healthcare, regulation on small businesses, and the heroin epidemic.

He pinned Ohio's job loss on President Bill Clinton, saying that the state lost one in three manufacturing jobs since the signing of NAFTA, and accused Ms. Clinton of being beholden to large donors.

"We are going to turn this state into a manufacturing behemoth," he said. "We are going to bring your jobs back, we're going to bring your companies back."

Between his usual attacks on illegal immigrants and the media, he said he's raised \$35.8 million in the last month from more than 500,000 donors and added that if he'd had two more days to campaign for the primary he - and not Gov. John Kasich - would have won the Buckeye State, which he lost by 11 points. (See Gongwer Ohio Report, March 15, 2016)

Mr. Trump did not mention his criticism of a Muslim couple - Khizr and Ghazala Khan - which GOP leaders have rebuked in recent days. Ohio veterans, in a Monday morning conference call organized by the Clinton campaign, called upon Mr. Trump to apologize for those attacks.

The Khans criticized the businessman during a speech at the Democratic National Convention, while describing the death of their son, a U.S. Army captain killed in Iraq. Mr. Trump spent days afterward blasting the couple. (See Gongwer Ohio Report, July 29, 2016)

As attacks continue to volley between Mr. Trump and the Khans, Republican leaders - including House Speaker Paul Ryan and Senate Majority Leader Mitch McConnell - sought to distance themselves from Mr. Trump's remarks. GOP VP candidate Mike Pence, meanwhile, issued a statement saying he and Mr. Trump believe the Khans and their son "should be cherished by every American."

"Donald Trump does not understand the experience of our military families or our veterans," said former Democratic lawmaker and Air Force veteran Connie Pillich. "He tries to portray himself as strong and brash, but there is nothing strong or powerful about insulting the family of a fallen soldier."

Air Force Reserve member Rep. John Boccieri (D-Alliance) said "words do matter... and Donald Trump just doesn't get it."

"It's very clear from his remarks about John McCain and now Capt. Khan that he doesn't understand the type of sacrifices the men and women in uniform make for our country," he said. "The suffering and pain and struggle that these families go through on a daily basis are just unspeakable and to make light of it, to now attack this family I think is very indicative of the type of presidency he will run."

Republicans have also steered clear of the remarks, with Gov. John Kasich tweeting in his most recent disagreement with Mr. Trump: "There's only one way to talk about Gold Star parents: With honor and respect. Capt. Khan is a hero. Together we should pray for his family."

Ms. Clinton has likewise criticized the businessman for those attacks. During her Columbus appearance, she told the crowd "it's going to be up to all of us to repudiate" such attacks.

Ms. Clinton's latest Columbus appearance marked the culmination of her three-day "Stronger Together" bus tour of Pennsylvania and Ohio. There Ms. Clinton questioned Mr. Trump's business acumen and outlined her plan to invest in jobs during her first 100 days in office.

She pushed for more support for small businesses and asked rhetorically what would have happened if her father, who made draperies, had fulfilled his contractual obligations only for someone like Mr. Trump to refuse to pay for the product.

"To person after person and business after business, Donald Trump said, 'I don't care,'" Ms. Clinton said. "It's not because he couldn't pay them. He wouldn't pay them. He drove businesses into bankruptcy in addition to taking bankruptcy himself six times. My friends, that's not how we do business in America.

"He makes dress shirts in China, not Brooklyn, New York," she continued. "He makes furniture in Turkey, not Cleveland, Ohio. He makes barware in Slovenia, not Jackson, Ohio. And he goes around saying he wants to put America first and American workers first."

The campaign continues seizing upon news from recent days that Mr. Trump recently applied for dozens of H-2B visas to fill staff positions at his Palm Beach Mar-a-Lago resort and his Jupiter, Fla., golf club with foreign workers.

"Shame on you, Donald Trump," Ms. Clinton said. "Let's cut through all the hype and rhetoric and understand that we're dealing with somebody who has a history of stiffing people, making things somewhere else besides America, and whenever possible, hiring foreign workers."

**Bump:** Ms. Clinton appears to have received a polling boost following the Democratic National Convention last week. A CBS News July 29-31 poll showed her leading Mr. Trump nationally 47-41%.

The pair were virtually tied in the same poll last week following the Republican National Convention. When including Libertarian candidate Gary Johnson, Ms. Clinton leads Mr. Trump 43-38%, followed by Mr. Johnson at 10%.

Mr. Trump had previously seen a post-RNC bump in some polls conducted last week. (See Gongwer Ohio Report, July 26, 2016)

**Endorsement:** The Ohio Right to Life PAC on Monday announced its endorsement of Mr. Trump and a handful of candidates for other offices.

"Our mission is to protect the sanctity of human life, and right now there is no ticket more threatening to that mission than that of Hillary Clinton and Tim Kaine," ORTL President Mike Gonidakis said. "Many times over, Mr. Trump has committed himself to appointing pro-life Supreme Court Justices, signing the Pain-Capable Unborn Child Protection Act, and protecting religious liberty."

Mr. Trump has faced questioned on his views on abortion. In 1999, he said he was "very pro-choice," although he said his opinion has since "evolved." Currently anti-abortion, he caught flack earlier this year, even from anti-abortion groups, for suggesting in an MSNBC interview "there has to be some form of punishment" for women who obtain an abortion. He later walked back that comment.

### **GOP Lawmakers Tout Model Suicide Prevention Legislation, Contemplate Charter School Industry Structures At ALEC Event**

Legislation providing suicide prevention tools to colleges and universities that originated in the Ohio House is on course to be copied by other states.

Rep. Marlene Anielski (R-Walton Hills) last week attended the American Legislative Exchange Council's annual meeting to promote her resolution that the organization has approved as model legislation.

The controversial annual ALEC meeting typically draws conservative lawmakers to draft and consider bills that are oftentimes backed by the private sector.

Ohio-lawmakers who attended the event include Senate President Keith Faber (R-Celina), Rep. Andy Brenner (R-Powell), Sen. Bill Coley (R-Liberty Twp.), Rep. Wes Retherford (R-Hamilton), Sen. Bob Peterson (R-Sabina), Rep. Ron Hood (R-Ashville), Sen. Bill Seitz (R-Cincinnati), Rep. Tom Brinkman (R-Cincinnati) and Rep. Lou Terhar (R-Cincinnati).

While some question the group's motives for including businesses in the bill-writing process, Rep. Anielski said the three-day meeting allows her to collaborate with lawmakers across the country to view issues differently.

ALEC was also beneficial in helping her promote legislation (HB 28) that was enacted last summer in Ohio, she said. It provides colleges and universities with free access to suicide prevention programs as well as related materials and tools that were already available to K-12 schools.

"I wanted to make sure that the resources were out there because there are some universities that have already met all the requirements because they're already doing this, but I wanted to bring up the people that needed help and I didn't want them to start from scratch so now they have options," Rep. Anielski said in an interview.

Colorado Attorney General Cynthia H. Coffman sued Boulder County on Tuesday for failing to lift its ban on oil and gas development even after the state's top court ruled that two other local governments had to get rid of similar moratoriums.

## HEALTH & LIFE SCIENCES

### **Fla. Says Changed Rule Could End Challenge To Abortion Law**

The state of Florida has notified a federal court of proposed rule amendments it says could resolve a lawsuit's claims of First Amendment rights violations in an abortion restrictions law by narrowing the scope and changing the nature of a registration requirement for counselors.

### **Humana To Scrap Remaining ACA Policies In 2018**

Humana Inc. on Tuesday said it will halt participation in Affordable Care Act marketplaces next year, citing a mix of customers that remains too unhealthy and unprofitable.

## IP & TECHNOLOGY

### **Rep. Issa Says Lee Still Running USPTO But May Be Moved**

Michelle Lee is still leading the U.S. Patent and Trademark Office, but the Trump administration may be looking for a different position for her elsewhere in the government, Rep. Darrell Issa, R-Calif., reportedly said Monday amid uncertainty about who is serving as USPTO director.

## MEDIA & ENTERTAINMENT

### **NJ Sens. Fail To Override Veto Over Icahn's Casino License**

The New Jersey State Senate on Monday failed to garner enough votes to override Gov. Chris Christie's veto of legislation that would have

New Jersey Legislature  
North Carolina Department of Transportation  
North Carolina General Assembly  
Northern Arapaho Tribe  
Occupational Safety and Health Administration  
Office of Foreign Assets Control  
Oklahoma Attorney General's Office  
Pennsylvania Supreme Court  
Port Authority of New York & New Jersey  
Securities and Exchange Commission  
Small Business Administration  
U.S. Air Force  
U.S. Army  
U.S. Department of Agriculture  
U.S. Department of Defense  
U.S. Department of Education  
U.S. Department of Energy  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of State  
U.S. Department of Transportation  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. House of Representatives  
U.S. Patent and Trademark Office  
U.S. Senate  
U.S. Supreme Court  
United Nations

stripped billionaire Carl Icahn of his license to operate the defunct Trump Taj Mahal hotel and casino.

## TRANSPORTATION & INFRASTRUCTURE

### **NJ Pushes Bill To Bar Port Authority From Aiding Travel Ban**

New Jersey state legislators moved ahead Monday with a bill that would bar the Port Authority of New York and New Jersey from using any of its resources to implement President Donald J. Trump's executive order that called for a travel ban from seven predominantly Muslim countries.

### **DOT Overstepped With Rail Safety Order, DC Circ. Told**

The U.S. Department of Transportation overstepped its authority when it issued an August 2016 order imposing new safety oversight and enforcement obligations on state entities that oversee intercity passenger rail service without proper public notice and comment, a pair of agencies told the D.C. Circuit.

### **DC Circ. Asked To Review Deal To Close Santa Monica Airport**

General aviation groups asked the D.C. Circuit on Monday to review a settlement between the Federal Aviation Administration and Santa Monica, California, in their yearslong land title dispute over control of the Santa Monica Airport, saying the deal wrongfully allows the city to close the airport by 2029.

## REAL ESTATE

### **San Francisco Urges 9th Circ. To Revive Rental Law Dispute**

An attorney for San Francisco told the Ninth Circuit Thursday that a lower court was wrong to invalidate a since-revised housing law that forced landlords to pay massive sums to

tenants before taking their property off the market, telling a judge the ruling has hurt the city's ability to legislate future rent control measures.

## EMPLOYMENT

### **Review Of NLRB Precedents In Order, House Panel Hears**

Management and union lawyers clashed over the National Labor Relations Board at a U.S. House hearing Tuesday, with a Hunton & Williams LLP labor attorney saying the board needs to reconsider its Obama-era expansion of the joint employment standard and sped-up union elections and a labor lawyer testifying that criticism of recent agency actions is part of an effort to delegitimize unions.

### **Trump Blasts Media Co.'s Bid To Unseal 1998 Labor Deal**

The Trump Organization Inc. and President Donald Trump slammed a bid by Time Inc. and The Reporters Committee for Freedom of the Press to unseal settlement documents that resolved Trump's 1998 dispute with a labor union, telling the Second Circuit that neither the First Amendment nor the common law right of access applies here.

### **Doctors, Int'l Science Org Back OSHA In Silica Rule Fight**

An international scientific organization and an organization of occupation and environmental medical physicians have come out in support of the Occupational Safety and Health Administration's new rules on worker exposure to silica dust in several industries, telling the D.C. Circuit the regulations would reduce health impairments.

### **Ill. Gov. Sues To Block Employee Pay Cutoff Motion**

The night before Gov. Bruce Rauner's annual budget address, Rauner late Tuesday filed an opposition to Illinois Attorney General Lisa

Madigan's motion to halt state worker pay amid Illinois' unprecedented budget crisis, urging a state judge to reject Madigan's "invitation to create an artificial emergency."

### **LGBT Groups Urge Trump To Keep Trans Student Policies**

Four LGBT advocacy groups urged the Trump administration on Monday to preserve an Obama administration directive that public school students be allowed to use the restroom that matches their gender identity, saying it helps protect some of the nation's most vulnerable students.

## **PRIVACY & CONSUMER PROTECTION**

### **USDA Recommends California Milk For Federal Pricing Order**

California dairy producers who say they face an unfair marketplace disadvantage are moving closer to joining the U.S. Department of Agriculture's purchasing guidelines, with the USDA on Tuesday recommending that the state join the federal pricing system.

### **Cruz, Fellow Texan Unveil Bills To Kill CFPB**

Texas lawmakers Sen. Ted Cruz and Rep. John Ratcliffe on Tuesday introduced legislation that would eliminate the Consumer Financial Protection Bureau as pressure mounts within Congress and the Trump administration on the federal consumer finance watchdog.

### **NC Gov. Floats New Plan For Bathroom Bill Repeal**

North Carolina Gov. Roy Cooper on Tuesday offered his latest proposal for nixing the state's infamous law requiring transgender people to use public bathrooms and other facilities that correspond to the sex on their birth certificates, a plan that includes tougher penalties for crimes that occur in restrooms.

## **PRODUCT LIABILITY**

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## **Calif. State Senator Introduces Sugary Drink Labeling Bill**

A California state senator has again proposed a bill that would require sugary beverages sold in the state to include health warning labels cautioning about the risk of obesity, diabetes and tooth decay, his office said Monday.

### **GOVERNMENT CONTRACTS**

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## **Lawmaker Tries To Block L-3's \$418M Aircraft Sale To Kenya**

A GOP congressman proposed a resolution Tuesday to pump the brakes on L-3's \$418 million foreign military sale of border patrol aircraft to the Kenyan government, saying the sole-source contract unfairly excluded a competitor in his district and may have resulted from foul play.

### **INTERNATIONAL TRADE**

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## **Treasury Sanctions Venezuelan VP For Drug Trafficking Aid**

The U.S. government has sanctioned Venezuela's second-in-command pursuant to the Foreign Narcotics Kingpin Designation Act for allegedly aiding international drug traffickers, the U.S. Department of the Treasury said in a statement Monday.

### **TAX**

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## **Ways and Means Chair Won't Seek Trump's Tax Returns**

The Republican chairman of the House Ways and Means Committee announced on Monday that he would not demand to see President Donald Trump's tax returns, rejecting a bid from a Democratic lawmaker to seek review of the documents, according to media reports.

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## **IRS Tax Certification Hurts CPAs, AICPA Tells Fed Circ.**

An accounting trade group told the D.C. Circuit that a federal court erred in rejecting its challenge to a voluntary certification program for unlicensed tax return preparers, wrongly finding that its argument is not covered by the relevant law.

### **Taxpayers Lose Appeal For Equity On Foreclosed Properties**

A group of taxpayers fighting to get the excess proceeds of sales after their properties were foreclosed by a Michigan county were dealt a second blow when a Sixth Circuit panel found that the lower court that ruled against them lacked jurisdiction in their case after all.

## **IMMIGRATION**

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### **Syrian Refugee Sues Trump Over Asylum Suspension**

A Syrian man granted U.S. asylum after being tortured and targeted by radical fighters sued the federal government on Monday for halting, in response to President Donald Trump's immigration ban, a derivative asylum petition that could help his wife and child similarly escape the violence.

### **Trump Immigration Ban Blocked In Virginia**

A Virginia federal judge on Monday blocked the government from enforcing the immigration ban on individuals from seven predominantly Muslim countries against people with ties to the Old Dominion, finding there is a likelihood that Virginia will win when it comes to its Establishment Clause claim.

## **NATIVE AMERICAN**

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### **BIA Asks 9th. Circ. To Nix Injunction In Contract Row**

The Bureau of Indian Affairs urged the Ninth Circuit on Friday to undo a ruling that blocks the agency from approving contracts for two tribes that share a reservation in Wyoming but lack a

confederated government without receiving consent from both, saying it has already committed to doing so.

### **House OKs Bill Letting Texas, Okla. Set Red River Land Fate**

Texas and Oklahoma could soon determine their own borders — and the fate of 30,000 acres claimed as federal land — if the Senate takes up a bill the House passed Tuesday to mandate the federal government accept a survey of the Red River commissioned by the states.

## **TELECOMMUNICATIONS**

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### **Reps Urge FCC To Undo Lifeline Eligibility Reversal**

Several dozen House representatives urged Federal Communications Commission Chairman Ajit Pai on Monday to reconsider his decision to strip nine companies of eligibility to provide broadband service under the Lifeline program for low-income users, saying the move will hurt poor children and widen the digital divide.

### **Trade Group Asks FCC For More Broadband Build-Out Funds**

The United States Telecom Association asked the Federal Communications Commission on Monday to increase funding levels for a broadband build-out support mechanism, saying that the priority of using it to deploy broadband in rural America means more funding is needed.

## **EXPERT ANALYSIS**

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### **Trump, Lockheed And The Art Of The Government Deal**

President Donald Trump has made his federal procurement debut, announcing two weeks ago that Lockheed Martin agreed to cut \$600 million from its next production lot of F-35 Joint Strike Fighter planes. His tweets and negotiations

raise a slew of questions on how these tactics fit into the densely regulated field of government contracts, say attorneys with Pepper Hamilton LLP.

### **Overcoming Obstacles To Financial Reform And Deregulation**

Creating a list of industry-endorsed reforms is perhaps the easiest task to complete when attempting to ease financial regulatory burdens. However, sorting through and identifying realistic, achievable regulatory reforms at the agency level will prove much more difficult and vexing because of the complexity of current agency interconnectivity, says Joseph Lynyak III of Dorsey & Whitney LLP.

### **Gorsuch May Further Tip Balance Against Deference To EPA**

From an environmental law perspective, Judge Neil Gorsuch has shown a willingness to reassess Chevron deference to an agency's interpretation of the statutes it implements. If confirmed to the U.S. Supreme Court, he could fan further interest in revisiting Chevron deference at a time when the court is actively considering what deference is due an agency when it interprets its own regulations, say attorneys with Bracewell LLP.

### **FERC Could See Substantial Changes Under President Trump**

The Federal Energy Regulatory Commission oversees electric utilities and gas pipelines that account for about 4 percent of the U.S. gross national product. So the impact of FERC policy shifts can be significant. Under the Trump administration, FERC could revisit its stances on market manipulation, net metering and other key issues, say John Estes III and Timothy Mastrogiacomo of Skadden Arps Slate Meagher & Flom LLP.

## **LEGAL INDUSTRY**

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### **Analysis**

## **Firm Leaders' Bullish View On Demand Met With Skepticism**

Law firm leaders believe 2017 could be the year the sector reverses the tide of stagnant demand it has been plagued by in recent years, a January report found. Here, industry experts examine how realistic those predictions are and what factors could kick-start billable hours.

### **Akin Gump's Profits Per Partner Jumped Nearly 10% In 2016**

Akin Gump Strauss Hauer & Feld LLP's global profits per partner jumped by 9.6 percent between 2015 and 2016, surpassing \$2 million each, the firm said Tuesday.

### **Banks Lavished Dewey With High Debt Offers, Jury Hears**

A Wells Fargo executive on Tuesday told jurors in the second trial of former leaders of Dewey & LeBoeuf LLP of internal concerns at the bank over the amount of debt the law firm was taking on in the early years after its inception, while juror problems continued to plague the proceeding.

#### **JOBS**

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**From:** Public Policy Law360  
**Sent:** Thursday, February 16, 2017 5:22 AM  
**To:** Rep93  
**Subject:** Next Solicitor General Can Expect Tough Road Under Trump



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Thursday, February 16, 2017



### TOP NEWS

#### Analysis

#### **Next Solicitor General Can Expect Tough Road Under Trump**

President Donald Trump's pick for the usually coveted position of solicitor general should expect an unusually rocky tenure, experts say, given the legal battles already underway, criticisms the president has heaped on the judiciary and the likely difficulty of dissuading a president who shoots from the hip from pursuing untenable legal positions.

#### **Puzder Out Of Running For Labor Secretary**

Fast-food executive Andrew Puzder took himself out of consideration Wednesday to serve as President Donald Trump's labor secretary one day before his scheduled confirmation hearing as reports circulated that he lacked enough support from Senate Republicans.

### LAW FIRMS

Akerman  
Arent Fox  
Arnold & Porter Kaye Scholer  
Boies Schiller  
Brownstein Hyatt  
Chiesa Shahinian  
Cooper & Kirk  
Covington & Burling  
Davis Wright Tremaine  
Debevoise & Plimpton  
Denton Navarro  
Dentons  
Dickinson Wright  
Earthjustice  
Epstein Becker Green  
Faegre Baker  
Foley & Lardner  
Fowler White Burnett  
Frost Brown Todd

## House Republicans Announce Their Own ACA Replacement

The conservative U.S. House Freedom Caucus on Wednesday unveiled proposed legislation to replace the Affordable Care Act and officially endorsed a full repeal of Obamacare while promising to support the proposed replacement as a companion bill to one already in the Senate.

## Sen. McConnell Leaves 'Nuclear Option' Open On Gorsuch

The Senate Majority Leader on Wednesday kept the line open for using the so-called nuclear option — changing Senate rules — and also backed President Donald Trump Supreme Court nominee Judge Neil Gorsuch's earlier comments on the independent judiciary.

## Mattis Voices NATO Support, Says Members Must Chip In

Defense Secretary Jim Mattis Wednesday, in his first meeting with NATO counterparts since officially joining the Trump administration, reaffirmed U.S. commitments to the alliance while signaling the Trump administration would push member states to increase their monetary support.

### Analysis

## 5 Key Takeaways From Trump's ACA Stabilizer Rule

The Trump administration's plan to stabilize Affordable Care Act markets by easing oversight of provider networks and limiting enrollment periods will strengthen insurers that are already doing fairly well but likely prove too modest for others, experts say. Here are five takeaways on how an eagerly awaited regulation will play out

## GOP Lawmaker Takes Aim At FCC Privacy Rules

U.S. Sen. Jeff Flake is planning to introduce legislation that would roll back the Federal Communications Commission's new broadband

Goodwin  
Greenberg Traurig  
Hall Estill  
Hunton & Williams  
Jones Day  
K&L Gates  
Lewis Brisbois  
Marashlian & Donahue

Massey & Gail  
Mayer Brown  
Moye White  
Perkins Coie  
Priddy Cutler  
Stradley Ronon  
Sullivan & Cromwell  
Tucker Law Group  
Wachtell Lipton  
Wiley Rein

### COMPANIES

AARP Inc.  
Allergan PLC  
Amazon.com Inc.  
America Fujikura Ltd.  
America's Health Insurance Plans  
American Bar Association  
American Cable Association  
American Civil Liberties Union  
American Federation of Labor and Congress of Industrial Organizations  
Apple Inc.  
AutoZone, Inc  
Avalere Health LLC  
Bank of America Corporation  
Best Buy Co.  
Boyd Gaming Corporation  
CKE Restaurants, Inc.  
CTIA

privacy rules, which give consumers opt-in options for the sharing of certain user information, the Arizona Republican confirmed Wednesday.

### **Trump Budget Pick Heads To Final Senate Vote**

The Senate is moving closer to a final vote on President Donald Trump's head budget officer after Rep. Mick Mulvaney R-S.C., passed a key procedural hurdle on Wednesday.

### **Retailers Meet With Trump Amid Tax Reform Concerns**

President Donald Trump and Vice President Mike Pence Wednesday met with members of the Retail Industry Leaders Association at the White House for a listening session on tax reform and other concerns facing the industry, according to a White House press pool briefing.

## **BANKING & SECURITIES**

### **Fed Chair Says Rulemaking Calendar Is 'Relatively Light'**

Federal Reserve Chair Janet Yellen said on Wednesday that the central bank does not have plans to move forward any major regulations while President Donald Trump's regulatory freeze remains in place even though executive orders do not apply to independent regulatory agencies.

### **SEC Urged To Preempt States To Boost Reg A+ Liquidity**

A legal expert told a U.S. Securities and Exchange Commission advisory committee Wednesday that the SEC should use its rule-making authority to preempt state regulations that restrict secondary trading of shares of small companies that raise capital under the newly expanded Regulation A exemption, thus boosting liquidity.

### **IPOs Dwindle As Need To Go Public Becomes Less Urgent**

Calpine Corporation  
Center for Biological Diversity Inc.  
Cisco Systems Inc.  
Computer & Communications Industry Association  
Dynegy Inc.  
Equifax Inc.  
Ernst & Young  
Exelon Corporation  
Experian  
Facebook  
Financial Industry Regulatory Authority Inc.  
Google Inc.  
Information Technology Industry Council  
International Brotherhood of Teamsters  
International Business Machines Corporation  
J.C. Penney Company Inc.  
JPMorgan Chase & Co.  
Jack In The Box Inc.  
Koch Industries Inc.  
MGM Resorts International  
Microsoft Corporation  
Mobilite LLC  
Morgan Stanley  
NASDAQ OMX Group Inc.  
NRG Energy Inc.  
PJM Interconnection LLC  
Pfizer Inc.  
Talen Energy Corp.  
Tax Foundation  
The Gap Inc.  
Tractor Supply Company  
TransUnion LLC  
Turner Broadcasting System Inc.  
Twilio Inc.

The rising costs of going public, new regulations that make it easier to stay private and growing options for raising private capital are leading factors causing more companies to delay or cancel initial public offerings, experts told a U.S. Securities and Exchange Commission committee Wednesday.

## ENERGY & ENVIRONMENTAL

### **Watchdog Says Okla. AG Withholding Thousands Of Emails**

A media watchdog group on Tuesday said that Oklahoma Attorney General Scott Pruitt, who is President Donald Trump's pick to lead the U.S. Environmental Protection Agency, is improperly withholding documents related to his office's interactions with fossil fuel industry players.

### **Senate Gets Ball Rolling To Amend The ESA**

The Senate Environment Committee on Wednesday explored the possibility of amending the Endangered Species Act, with Republicans criticizing it as being unresponsive to state and local concerns and lacking flexibility to remove protections for an animal or plant once it has recovered.

### **III. Nuke Plant Subsidies Flout FERC, Power Cos. Say**

A power producer coalition on Tuesday sued to overturn Illinois' plans to subsidize two struggling nuclear power plants in an echo of similar litigation launched against nuclear subsidies offered by New York state, claiming the incentives usurp the Federal Energy Regulatory Commission's exclusive authority over wholesale electricity markets.

### **10 State AGs Urge Senate To Reject Vessel Discharge Bill**

New York Attorney General Eric T. Schneiderman and nine other state attorneys general called on U.S. Senate leaders Wednesday to reject legislation they say would

Twitter Inc.  
U.S. Chamber of Commerce  
United States Telecom Association  
Verizon Communications  
Walgreen Co.  
ZestFinance Inc.

**GOVERNMENT AGENCIES**  
Buena Vista Rancheria of Me-Wuk Indians  
California Environmental Protection Agency  
Centers for Medicare & Medicaid Services  
Congressional Budget Office  
Consumer Financial Protection Bureau  
Equal Employment Opportunity Commission  
Executive Office of the President  
Federal Communications Commission  
Federal Deposit Insurance Corp.  
Federal Energy Regulatory Commission  
Federal Reserve System  
Federal Trade Commission  
Fish and Wildlife Service  
Government Accountability Office  
Illinois Supreme Court  
Internal Revenue Service  
International Maritime Organization  
NATO  
National Institute of Standards and Technology  
National Labor Relations Board  
National Marine Fisheries Service  
National Security Agency

dramatically weaken states' authority to protect waterways against pollution from commercial shipping vessels.

### **Flake Plan Provides For Ariz., NM Role In Mexican Gray Wolf**

Republican Arizona Senators Jeff Flake and John McCain reintroduced the Mexican Gray Wolf Recovery Plan Act on Tuesday, which would give New Mexico and Arizona a larger stake in the management of an animal on the endangered species list.

### **Enviro, Utilities Clash Over EPA Mercury Rule Challenges**

Environmentalists and utilities on Tuesday swapped dueling briefs in D.C. Circuit litigation over the U.S. Environmental Protection Agency's mercury rule for coal-fired power plants, with each side accusing the other of recycling arguments that have been rejected by the agency and the courts.

### **Endangered Species Case Won't Move From DC To Minn.**

An Endangered Species Act case will not be transferred from D.C. to Minnesota federal court, a judge ordered Tuesday when deciding in favor of environmental groups accusing the U.S. Forest Service and other federal agencies of sidestepping a review requirement in approving mine and highway projects that could harm animals in Minnesota's Superior National Forest.

## **HEALTH & LIFE SCIENCES**

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### **Feds Float ACA Market Stabilization Rule**

Federal regulators on Wednesday floated highly anticipated policies for stabilizing Affordable Care Act marketplaces, including tighter enrollment periods, slimmer benefits and more leeway for states to oversee provider networks.

New York Attorney General's Office  
North Carolina Wildlife Resources Commission  
Securities and Exchange Commission  
Small Business Administration  
Social Security Administration  
U.S. Coast Guard  
U.S. Department of Defense  
U.S. Department of Energy  
U.S. Department of Health and Human Services  
U.S. Department of Justice  
U.S. Department of Labor  
U.S. Department of Veterans Affairs  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. Forest Service  
U.S. House of Representatives  
U.S. Senate  
U.S. Supreme Court

## **House OKs Measure To Widen Drug Testing For Unemployed**

The House of Representatives paved the way for an increase in state-based drug testing for unemployment benefits Wednesday, passing a resolution to undo an Obama-era rule that allowed such testing in only narrow categories.

## **MEDIA & ENTERTAINMENT**

### **Ex-State Sen. Asks Texas High Court To Nix Radio Ad Suit**

Former state Sen. Bob Deuell has asked the Texas Supreme Court to review a lower court's decision allowing an anti-abortion group's lawsuit against him — alleging that his actions got their radio ads taken off the air — to proceed, arguing that the group hadn't met the minimum evidence standards required.

### **Philly Controller Wants End To 'Slush Fund' Defamation Suit**

The attorney for Philadelphia's city controller asked a state court judge Wednesday to toss a former city official's suit that claimed she was defamed in reports about a so-called slush fund involving money from the city's marathon, saying he and another defendant had immunity as "high public officials."

## **REAL ESTATE**

### **NJ Developer Loses Appeal Over Application Timing Rule**

The New Jersey Appellate Division has said a developer is not protected by a rule requiring a municipality to follow regulations in place at the time of an application because the business did not submit every required document, marking the first time a state court defined an application entitled to such protection.

## **EMPLOYMENT**

## **GOP Votes To Repeal DOL Rules On State Retirement Plans**

Republicans in the U.S. House of Representatives on Wednesday voted to repeal two recent U.S. Department of Labor rules that allow states and some municipalities to help workers without employer-sponsored retirement plans invest in state-run accounts.

## **EEOC Slows Rule On Affirmative Action Rule For Disabled**

The U.S. Equal Employment Opportunity Commission said Wednesday that it will impose a two-week delay of its regulations boosting federal agencies' hiring goals for individuals with disabilities and enhancing support services for those workers, citing a Trump administration directive to slow rules that haven't yet taken effect.

## **Rauner Asks For Pension Reform, Power To Cut Ill. Budget**

Illinois Gov. Bruce Rauner offered state lawmakers a spending plan Wednesday that he repeatedly called "balanced" but that relies on filling a \$4.5 billion hole with measures requiring cooperation from the same legislature at a budget impasse for an unprecedented 20 months.

## **Ky. County Tells 6th Circ. Not To Rethink RTW Ruling Appeal**

A county in Kentucky urged the Sixth Circuit on Wednesday to reject a request by a group of Kentucky unions, including chapters of the AFL-CIO, to rehear en banc a case challenging a local right-to-work ordinance.

## **PRIVACY & CONSUMER PROTECTION**

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### **CFPB Contemplates Using Alternative Data In Credit Scores**

The Consumer Financial Protection Bureau on Thursday announced plans to look into whether using so-called "alternative data" like rent and utility payments for credit scoring could make it

easier for millions of Americans to get access to mortgages and other credit.

### **Tech Groups Call For Balance In Foreign Spying Renewal Push**

A coalition of tech industry groups on Wednesday pushed congressional leaders to work together to come up with a "balanced yet focused" approach to replacing a controversial foreign internet surveillance program that is expiring at the end of the year.

## **GOVERNMENT CONTRACTS**

### **NJ Ordered To Defend Atlantic City Layoffs, Contract Changes**

A New Jersey state judge has ordered state officials to appear in court later this month in a lawsuit brought against them by the union representing Atlantic City firefighters and address whether the officials should be restrained from laying off firefighters and implementing changes to their contract.

### **GAO Targets 34 Areas Of Concern In Federal High Risk List**

The U.S. Government Accountability Office released a new list of "high risk" federal programs particularly susceptible to fraud, abuse or mismanagement on Wednesday, adding various Native American programs, environmental liabilities and the upcoming census to the list while removing programs for managing terrorism-related information.

## **INTERNATIONAL TRADE**

### **Border Adjust Tax Will Have Limited Trade Impact, Report Says**

The House Republicans' proposed tax on imports will have a limited long-run economic impact if any at all, according to a Tax Foundation report released Wednesday, which noted that while the approach provides no

expected trade-related gains, it has the advantage of limiting tax avoidance.

## TAX

### **US Wants New Shot At Inversion Rule If It Loses Challenge**

The U.S. government asked a Texas federal court on Wednesday to consider sending a tax rule meant to combat corporate inversions back to the U.S. Treasury Department rather than vacating it if the U.S. Chamber of Commerce's challenge of the rule is successful.

### **NJ, MGM Resorts Ink \$72M Deal Over Property Tax Appeals**

New Jersey officials on Wednesday announced a deal to pay \$72 million to MGM Resorts International to resolve outstanding property tax appeals filed by the company's Borgata Hotel Casino & Spa in Atlantic City, saying the move would save taxpayer dollars as the state oversees the fiscal recovery of the struggling resort town.

### **Colo. Gov. Downplays Harm Of Taxpayer Rights Bill, Court Told**

Opponents to Colorado's Taxpayer Bill of Rights slammed Gov. John Hickenlooper's bid to toss their suit, telling a federal court Tuesday that the governor has mischaracterized the measure to play down the harm it has caused state political subdivisions and others.

## IMMIGRATION

### **House Resolution Slams Judge Who Blocked Travel Ban**

Rep. Steve King, R-Iowa, has introduced a resolution to the U.S. House of Representatives criticizing the actions of a federal judge and an appeals court that obstructed the enforcement of President Donald Trump's Jan. 27 immigration ban.

## **Texas AG Backs Trump Immigration Ban In 9th Circ.**

Texas Attorney General Ken Paxton threw his support behind President Donald Trump's immigration ban on Wednesday when he urged the Ninth Circuit to reconsider last week's decision upholding a block on the executive order, citing the president's powers to protect national security.

## **NATIVE AMERICAN**

### **Calif. County Can Fight Tribal Casino, DC Circ. Told**

A California county has urged the D.C. Circuit to allow it to challenge a U.S. Department of the Interior decision backing a proposed tribal casino, arguing that it had retained the right to oppose the project.

## **TELECOMMUNICATIONS**

### **Analysis**

#### **FCC's Lifeline Backtrack Foreshadows Program Changes**

The Federal Communications Commission under the leadership of new Chairman Ajit Pai has set off a firestorm of controversy by revoking the eligibility of several companies to provide Lifeline broadband services, and experts say recent FCC action suggests the commission will seek to change Obama-era program updates.

#### **Wireless Group Urges FCC To Clear Local Roadblocks For 5G**

Wireless trade group CTIA has pushed the Federal Communications Commission to move forward with a proposal to clear the way at the state and local level for 5G infrastructure, also pushing for spectrum to meet wireless demand and against a proposal to subject text messaging to more stringent regulation.

#### **Small Telecoms Decry FCC's Proposed 'Flash Cuts'**

A group of regional telecom companies told the new head of the Federal Communications Commission on Tuesday that his plan to cut subsidies they receive for reaching rural customers and redirect the funds toward areas without wireless broadband would do more harm than good.

## PEOPLE

### **SEC Chair Mary Jo White Returns To Debevoise & Plimpton**

After nearly four years as chair of the U.S. Securities and Exchange Commission, Mary Jo White will once again return to Debevoise & Plimpton LLP, this time as senior chair of the firm, Debevoise announced on Wednesday.

## EXPERT ANALYSIS

### **Game Clock Running Down, NLRB GC Turns To The Crowd**

National Labor Relations Board general counsel Richard Griffin's recent report discussing the rights of university faculty and students speaks not to the board, but instead to employers, labor unions and employees, and is being used as a novel, last-ditch attempt to use the court of public opinion to bolster changes Griffin oversaw during his tenure, says Ryan Funk of Faegre Baker Daniels LLP.

### **A New Element In Awarding Calif. Public Works Contracts**

Legislation recently proposed in California would require the disclosure of greenhouse gas emissions generated by the manufacture of certain "eligible materials" for public works projects. If passed, it could have the biggest effect on companies that manufacture construction materials, especially cement, flat glass, manufactured wool, steel and asphalt, say attorneys with Arnold & Porter Kaye Scholer LLP.

## **How A General Counsel Should Think About AI**

Though the Trump administration has yet to make an official statement regarding artificial intelligence, support for AI is consistent with its expressed desire to promote American business. As such, general counsel will inevitably have to navigate what big data and AI mean for compliance with current and future laws and regulations, say Bruce Heiman and Elana Reman of K&L Gates LLP.

## **A Rule Against Pretext, Taken Out Of Context**

An attorney who negotiates a serial killer's surrender is suspended from legal practice. A highly successful investigative unit that protects children from internet predators is shut down. These are the results of an overly dogmatic approach to the Colorado Rules of Professional Conduct, which prohibit lawyers from engaging "in conduct involving dishonesty, fraud, deceit or misrepresentation," says Charles Luce of Moyer White LLP.

## **When And Where Punitive Damages Are Insurable: Part 2**

There is no substitute for a well-drafted, ironclad insurance policy, so it is imperative that insurers either expressly exclude punitive damages in actual policies, or unambiguous, limiting language if the agreement is to cover punitive damages, says Rory Jurman of Fowler White Burnett PA.

## **LEGAL INDUSTRY**

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### **Analysis**

## **How To Stand Out In A Large Law Department**

In large law departments, in-house counsel who don't distinguish themselves are doomed to languish unnoticed among the masses. Here's how to make an impression with general

counsel and other company leaders to move up the ranks.

## **My Strangest Day In Court: When My Expert Had A Meltdown**

As I was going through one of the plaintiff's claims — post-traumatic stress disorder — with my expert witness, the good doctor could not even recall the elements of the disorder! Then, suddenly, he pointed his finger at a young juror, remembers Esther Holm of Lewis Brisbois Bisgaard & Smith LLP.

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**From:** Policy Matters Ohio  
**Sent:** Thursday, February 16, 2017 2:36 PM  
**To:** Rep93  
**Subject:** Press statement: Nomination of Acosta for Secretary of Labor a likely improvement

Policy Matters Ohio



For immediate release  
Contact Hannah Halbert  
614.397.6080

## **Nomination of Acosta for Secretary of Labor a likely improvement**

Vetting needed, but new nominee appears friendlier to workers

After the failed nomination of Andrew Puzder for Secretary of Labor, the Trump administration put forward Alexander Acosta, dean of the Florida International University College of Law and former assistant attorney general for the Civil Rights Division under President George W. Bush. Policy Matters Ohio sees this move as a step in the right direction for working people.

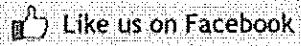
"Rigorous vetting is still needed but unlike Pudzer, Acosta does not appear to be a nominee bent on dismantling the institution he is set to lead," said Hannah Halbert, researcher with Policy Matters Ohio. "The Department of Labor must be dedicated to welfare and safety of wage-earners. Not their bosses."

Ohioans value worker rights. The state overwhelmingly voted down laws that sought to restrict collective bargaining and voted in support of a state constitutional amendment that increased and indexed the minimum wage. As hearings begin, working people of Ohio will want to know where Acosta stands on these issues. Policy Matters will look for evidence that Acosta will work for safe and healthy workplaces, more and better jobs, and a better life for working people in Ohio and the United States.

[Read press statement online](#)

###

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**From:** Public Policy Law360  
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**To:** Rep93  
**Subject:** Smoother Road To Confirmation Seen For New DOL Chief Pick

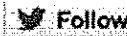


PUBLIC POLICY

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Friday, February 17, 2017



### TOP NEWS

Analysis

#### **Smoothen Road To Confirmation Seen For New DOL Chief Pick**

President Donald Trump's nomination of former U.S. Attorney Alex Acosta to head the U.S. Department of Labor drew praise from management-side attorneys who believe he will adhere to the administration's less aggressive regulatory posture, while also garnering cautious optimism from unions who see his past public service as a sign he will dutifully enforce labor laws.

#### **Mulvaney Gets Senate Approval As Trump Budget Officer**

The Senate has approved President Donald Trump's pick for his top budget office, putting conservative Rep. Mick Mulvaney, R-S.C., at the head of the office responsible for the federal budget and managing many agencies.

Analysis

### LAW FIRMS

Alston & Bird  
Astigarraga Davis  
Ballard Spahr  
Blank Rome  
Coker Schickel  
Connelly Law Offices  
Cooley  
DLA Piper  
Dewey & LeBoeuf  
Dowd Bloch  
Epstein Becker Green  
Faegre Baker  
Farella Braun  
Fisch Sigler  
Gibson Dunn  
Goodwin  
Hall Estill  
Holland & Knight  
Hueston Hennigan

## **Ex-DOJ Immigration Head: Travel Order Case A 'Close Call'**

Leon Fresco, the former head of the government's Office of Immigration Litigation, dove into a range of hot-button topics in recent discussions with Law360, saying it was a "close call" whether the current version of the president's travel ban would be able survive court review.

## **Trump EPA Pick Pruitt Advances In Senate**

Trump's choice to lead the Environmental Protection Agency has been set up for a final Senate vote, as Oklahoma Attorney General Scott Pruitt cleared a procedural vote Thursday.

## **9th Circ. Pauses Immigration Ban Suit At Trump's Request**

Ninth Circuit Chief Justice Sidney R. Thomas late Thursday agreed to pause en banc proceedings over President Donald Trump's challenge of an order blocking the implementation of his immigration ban after the administration requested a freeze on the proceedings as it preps a new executive order.

## **House Acts To Clear Way For Planned Parenthood Defunding**

The House passed a resolution Thursday to make it easier for states to defund Planned Parenthood, disapproving a federal rule that restricts states' ability to direct funding to the women's health care provider.

## **FCC's Pai Wants To Cut 'Red Tape' For Radio**

Federal Communications Commission Chairman Ajit Pai said Thursday that he will not neglect radio during his chairmanship, pushing for modernized rules and the activation of smartphone FM chips to let users listen to radio over-the-air, though without a regulatory mandate.

Jackson Lewis  
Jenner & Block  
Jones Day  
K&L Gates  
Kirkland & Ellis  
Laddey Clark  
Mayer Brown  
Nicoletti Hornig  
O'Melveny & Myers  
Ogletree Deakins  
Patterson Belknap  
Paul Hastings  
Potter Minton  
Prince Lobel  
Quinn Emanuel  
Ropes & Gray  
Schiff Hardin  
Seward & Kissel  
Shapiro Haber  
Skadden  
Spector Gadon  
Sullivan & Cromwell  
Terrell Hogan  
Weil Gotshal  
Weiner Brodsky  
White and Williams  
Wilentz Goldman

## **COMPANIES**

Alliance Defending Freedom  
Amazon.com Inc.  
America Fujikura Ltd.  
American Bar Association  
American Civil Liberties Union  
American Commercial Lines Inc  
American Federation of Labor and Congress of Industrial Organizations

## **Acting SEC Chair Curbs Enforcement Staff's Power**

Acting U.S. Securities and Exchange Commission Chair Michael Piwowar has curtailed some powers of the agency's enforcement staff dating from the financial crisis, according to multiple media reports.

### **BANKING & SECURITIES**

#### **DC Circ. Agrees To Rethink SEC Judges' Constitutionality**

The D.C. Circuit agreed Thursday to vacate a panel's finding that the U.S. Securities and Exchange Commission's in-house judges don't need presidential appointment and to rehear the case before the entire court, taking another look at an issue that has split circuits.

#### **Euronext Says New Platform Shields From High-Speed Traders**

European stock exchange operator Euronext said Wednesday it will partner with a U.S. financial technology company and launch a block-trading platform designed to enable investors to execute large orders without tipping their hat toward high-frequency traders

### **ENERGY & ENVIRONMENTAL**

#### **More Ex-EPA Employees Pile On Anti-Pruitt Bandwagon**

The number of former U.S. Environmental Protection Agency employees opposed to the confirmation of Oklahoma Attorney General Scott Pruitt as EPA administrator has risen to more than 700, the Environmental Integrity Project said Thursday.

#### **EPA Re-Floats Uranium Mine Rule, Yanks 30-Year Monitoring**

The U.S. Environmental Protection Agency on Thursday re-proposed a rule imposing new health and environmental protection regulations for uranium ore extraction, and removed a requirement that mine operators monitor

American Federation of State, County and Municipal Employees

American Federation of Television and Radio Artists

American Insurance Association

CH Energy Group Inc.

CKE Restaurants, Inc.

Center for Biological Diversity Inc.

Comcast Corporation

ConAgra Foods, Inc.

Conservation Law Foundation

Devon Energy Corporation

Dr. Reddy's Laboratories Limited

Energy Transfer Partners, L.P.

Florida Bar Association

Fortress Investment Group LLC

Google Inc.

Helsinn Healthcare SA

Humane Society of the United States

Intellectual Ventures

International Union Of Operating Engineers

Koch Industries Inc.

Lockheed Martin

London Stock Exchange Group PLC

Lyft Inc.

McDonald's Corporation

NBCUniversal Inc.

National Association of Insurance Commissioners

National Association of Mutual Insurance Companies

National Rifle Association of America

New York State Bar Association

New York Times Co.

Occidental Petroleum Corporation

PHH Corporation